

SUPREME COURT
OF THE
STATE OF CONNECTICUT

S.C. _____

X06-UWY-CV-18-6046436S
X06-UWY-CV-18-6046437S
X06-UWY-CV-18-6046438S

ERICA LAFFERTY, ET AL.
Plaintiffs-Respondents
V.
ALEX EMRIC JONES, ET AL.
Defendants-Applicants

STATEMENT IN OPPOSITION TO DEFENDANTS-APPLICANTS'
APPLICATION FOR CERTIFICATION PURSUANT TO C.G.S. §52-265a

***FOR THE PLAINTIFFS-RESPONDENTS
ERICA LAFFERTY; DAVID WHEELER;
FRANCINE WHEELER; JACQUELINE
BARDEN; MARK BARDEN; NICOLE
HOCKLEY; IAN HOCKLEY, JENNIFER
HENSEL; JEREMY RICHMAN; DONNA SOTO;
CARLEE SOTO-PARISI; CARLOS M. SOTO;
JILLIAN SOTO and WILLIAM ALDENBERG***

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There is no substantial public interest in allowing a litigant to abuse the discovery process and to threaten and harass opposing counsel. The discovery abuses of Alex Jones and his companies alone warranted default. Alex Jones' baseless, on-air accusation that plaintiffs' counsel planted child pornography in discovery materials Jones produced also warranted default. The trial court's sanction in response to months of appalling discovery conduct, punctuated with extensions, hearings, and warnings, was mild. It precluded the Jones Defendants from pursuing their Anti-SLAPP motion, a privilege they had been warned repeatedly they would lose if their conduct continued. The court's response to Jones' attack on plaintiffs' counsel was appropriate and necessary – it simply implemented that limited sanction and offered the plaintiffs the opportunity to seek attorney's fees. Far from abusing its discretion, the court below showed exceptional forbearance. The Application should be denied.

I. BRIEF HISTORY OF THE CASE

A. THE AUTHORIZATION OF LIMITED, EXPEDITED DISCOVERY

The plaintiffs are individuals whose immediate family members were murdered in the Sandy Hook shooting and one first responder to the shooting. For more than five years, Alex Jones and his companies ("the Jones defendants") profited by broadcasting "news" that the Sandy Hook shooting was "a synthetic completely fake with actors," a "hologram," an "illusion," and that the Sandy Hook families were "paidtotally disingenuous" crisis actors who faked their loved ones' deaths.¹ The Complaint asserts claims for false light, intentional and negligent infliction of emotional distress, violation of

¹ The citations to these quotations, in the order they appear, are: Compl. ¶¶ 185, 223, 140, 295.

CUTPA and defamation.

In response, the Jones Defendants availed themselves of an expedited statutory procedure by filing a Special Motion to Dismiss under Gen. Stat. § 52-196a. The filing of such a motion stays general discovery, but limited, court-ordered discovery is permitted to defend the motion. The Jones Defendants' motion challenged virtually every element of the plaintiffs' claims and raised defenses. Consequently, the trial court authorized the plaintiffs to take limited, expedited discovery. DN 123.10. The Court is already familiar with this ruling – the Jones Defendants sought § 52-265a review, which was denied.

B. THE JONES DEFENDANTS' REFUSAL TO COMPLY WITH COURT-ORDERED REQUESTS FOR PRODUCTION

The history of the Jones Defendants' refusal to comply is mind-numbingly long, repetitive and well-documented. (A discovery timeline is attached as Exhibit A.) The date for compliance with court-approved interrogatories and requests for production was February 23, 2019, a date they had proposed themselves. Ex. B, 1/23 Tr. at 6-7. The day before compliance was due, the Jones Defendants sought an extension, claiming they would "significantly be able to produce documents by the current deadline." DN 186 at 1. Nonetheless they produced nothing at all by the deadline.

On March 1, new counsel (Norman Pattis) appeared for the Jones Defendants. The Jones Defendants sought another extension, now to March 20. The plaintiffs opposed the motion. Every day the Jones Defendants delayed production would delay the hearing on the Special Motion to Dismiss, which in turn would delay the commencement of general discovery. The trial court, however, allowed the extension, with a warning: "should the defendants again fail to comply with the court ordered deadline, the court will, after a hearing, entertain sanctions including possible preclusion

of the defendants' special motion to dismiss." DN 196.10 (emphasis added); see also Ex. C, 3/7 Tr. at 6:2-7:6 (similar warning).

The Jones Defendants did not comply by March 20. On March 18, they sought another extension. DN 203. The court withheld a sanctions ruling, allowing the defendants more time. Ex. D, 3/22 Tr. at 35-38.² At the same time, it noted that "I've said many times now that [the] special motion to dismiss is in jeopardy...." *Id.* at 36:7-8.

A rolling compliance marked with abuses and resistance began. Although the defendants had represented they had valuable, proprietary marketing and web analytics information, they did not produce it. They produced Portable Document Format (PDF) files of emails, claiming not to understand that fair production includes email metadata. They did not produce Alex Jones' emails until pressed and withheld his texts. Due to the incompleteness of the production, the trial court authorized four one-hour depositions. Those depositions confirmed that Jones and his companies had withheld responsive information within their possession and control. For example, the witnesses testified that the Jones businesses control and use responsive web analytics data that was not produced. DN 255, Exs. D-G. The plaintiffs moved again to compel production. DN 255. The defendants *still* opposed production. DN 257; 258. On June 10, the court ruled that the web analytics information the defendants had provided was "simply not full and fair compliance." DN 255.10. It noted that it would "consider appropriate sanctions for the

² During this hearing, Attorney Pattis filed an affidavit purporting to be signed by Alex Jones. The affidavit claimed that a California attorney had misled Jones into believing compliance had been made. DN 212. This was offered to excuse the Jones defendants' noncompliance. It later came to light that it was not Jones who signed the affidavit. Attorney Pattis had filed the affidavit even though he knew this. Ex. F, 4/22 Tr. at 4-6 (trial court's findings concerning false affidavit). The trial court referred Pattis to the grievance committee in connection with his actions, *id.*, but did not sanction Jones.

defendants' failure to fully and fairly comply should they not produce the data within one week." *Id.*

C. ALEX JONES' BROADCAST THREATENING PLAINTIFFS' COUNSEL

Emails contain "metadata," a term that describes essential information such as when the content of an email was sent and to whom, and what was attached. Rather than provide this information to plaintiffs, the Jones Defendants converted every email they produced to PDF format, effectively stripping out the metadata. The trial court ordered that the metadata be produced. The Jones Defendants responded by producing emails in native format, including in the production thousands of additional documents they had previously withheld as non-responsive. They produced these additional, non-responsive documents because they did not want to do the work to separate them from the native emails they were obligated to produce, another discovery abuse.

While loading the production into a database, the plaintiffs' electronic discovery consultants found an image that appeared to be child pornography. They immediately contacted plaintiffs' counsel, who notified the FBI. The FBI directed counsel to hand over the entire production to the FBI. This was done. The FBI found 11 more images of child pornography. When permitted by the FBI to do so, plaintiffs' counsel notified Attorney Pattis and coordinated a conference call between Pattis, plaintiffs' counsel, and the U.S. Attorney's Office. At no point did plaintiffs' counsel alert anyone other than the FBI as to what they had found.

On Friday June 14, Jones went on his show with Pattis by his side. Jones accused one of plaintiffs' counsel, Attorney Chris Mattei, of planting and then recovering the child pornography images in order to frame Jones, offered a \$1 million bounty for

conviction and pounded on a picture of Mattei's face with his fist.³ On Monday morning, the plaintiffs moved the trial court to review the video broadcast so that it could be addressed at a hearing already scheduled to take place on Tuesday. DN 264, 265. The defendants moved for stay based on a supposed conflict of interest⁴ and asked the court to view Jones' June 15 broadcast, which they claimed was an "apology." DN 267. The court gave notice that it would address these issues at the Tuesday hearing and ordered counsel to "be prepared to address the matter." DN 265.10.

D. THE SANCTIONS HEARING

The hearing began before the lunch break on Tuesday, June 18. At the beginning of the hearing, the trial court addressed the ongoing noncompliance, which had been the original purpose of the hearing. Jones' counsel reported that despite the Monday deadline for further production, no additional production had been made: "we haven't tendered anything to the plaintiffs." Ex. G, 6/18 Tr. at 3:3-4.

The trial court advised counsel that it had accessed the June 14 and 15 broadcasts via hyperlink. *Id.* at 5:1-14. It then took argument from both counsel concerning the broadcasts, stating that it would rule on sanctions after the lunch break. *Id.* at 11:9-14. Defendants' counsel, Attorney Zach Reiland⁵, attempted to downplay what Jones had done in the June 14 broadcast by arguing, "I think Mr. Jones was

³ In the broadcast, Jones also discussed and displayed what he claimed were website analytics data sought by the plaintiffs in discovery. Impervious to irony, three days later, the Jones Defendants filed an objection representing that these same analytics were not within their "possession, custody, or control." DN 266, at 1-2.

⁴ This was Pattis' second claim of conflict. At an earlier moment when the court was prepared to issue a discovery sanctions ruling, Pattis asserted he might have a conflict and gained his clients time to avoid sanctions. Ex. E, 4/3 Tr. at 1-11.

⁵ Pattis did not attend the pre-lunch hearing. He sent his associate, Reiland, instead.

enraged....” *Id.* at 15:17. The court pointed out that conversations Reiland had had with Jones were not in evidence, and “[t]he evidence before me are the broadcasts that you submitted.” *Id.* at 16:4-7. Reiland did not ask for an opportunity to offer additional evidence.

The court recessed and reconvened at 2:00 p.m. Attorney Pattis appeared, indicating it was his understanding that the court “was going to consider sanctions immediately today....” Ex. G, 6/18 Tr. at 23:20-21. In response to questioning by the court, Pattis agreed that a party does not have a First Amendment right “to threaten, harass, or intimidate” the lawyer on the other side. *Id.* at 30:24-31:1. He did not request the opportunity to offer evidence and did not seek a continuance.

The court’s first ruling addressed discovery abuse:

Putting aside the fact that the documents the Jones defendants did produce contained child pornography, putting aside the fact that the Jones defendants filed with the Court a purported affidavit from Alex Jones that was not in fact signed by Alex Jones, the discovery in this case has been marked with obfuscation and delay on the part of the defendants, who, despite several Court-ordered deadlines[,] as recently as yesterday, ... continue in their filings to object to having to, what they call affirmatively gather and produce documents which might help the plaintiffs make their case. Despite over approximately a dozen discovery status conferences and several Court-ordered discovery deadlines, the Jones defendants have still not fully and fairly complied with their discovery obligations.

Id. at 46:25-47:13. The court listed examples, including the failure to look for and produce Alex Jones’ text messages and web analytics materials. *Id.* at 47:14-48:11. The defendants had “been on notice from this Court both on the record and in writing ... that the Court would consider denying them their opportunity to pursue a special motion to dismiss if the ... noncompliance continued.” *Id.* at 49:2-7.

Turning to Jones’ broadcast, the court gave some examples of what Jones had

said and done:

Mr. Jones refers to Attorney Mattei as a Democratic-appointed US attorney, holds up on the camera Attorney Mattei's Wikipedia page which indicates that he is a Democrat, and puts the camera on the website page, which looks like it's from the law firm.

Alex Jones states: what a nice group of Democrats. How surprising, what nice people. Chris Mattei, Chris Mattei. Let's zoom in on Chris Mattei. Oh, nice, little Chris Mattei. What a good American. What a good boy. You'll think you'll put me on.

Now, the transcript doesn't reflect this, but when I listened to the broadcast, I heard, I'm going to kill. Now, that's not in the transcript, but that is my read and understanding and what I heard in the broadcast.⁶

He continues to say: anyways, I'm done. Total war. You want it, you got it. I'm not into kids like your Democratic Party, you cocksuckers, so get ready.

And during this particular tirade, he slammed his hand on Attorney Mattei's picture, which was on the camera at that point.

Ex. G, 6/18 Tr. at 50:10-51-6. The examples continued: Jones offering a million-dollar reward for conviction of the person who planted child pornography, showing Attorney Mattei's picture while he talked about the person who framed him, and saying, "the bounty is out, bitches." *Id.* at 52:10. The court had "no doubt that Alex Jones was accusing Plaintiffs' Counsel of planting the child pornography." *Id.* at 52:24-26. Jones himself "was the one who public[ly] brought the existence of the child pornography to light," and his broadcast was "an intentional, calculated act of rage for his viewing audience." *Id.* at 53:11-12, 53:14-15. Nonetheless, the court declined to default the Jones Defendants. Instead it precluded them from pursuing their Special Motion to

⁶ The defendants argue that the trial court erred in finding statements in the broadcast not recounted in the transcript and therefore acted as a witness. The trial court acted as finder of fact. Its findings based on the evidence before it – the broadcast – are binding unless clearly erroneous. In addition, the objection was not made below and is waived.

Dismiss and allowed the plaintiffs to seek counsel fees. *Id.* at 53:25-54:5.

II. THE TRIAL COURT’S RULING DOES NOT IMPLICATE A SUBSTANTIAL PUBLIC INTEREST

To be permitted, the defendants’ appeal must “[involve] a matter of substantial public interest and in which delay may work a substantial injustice.”⁷ Cases in which such applications have been granted usually affect a significant number of people in a substantial way.⁸ The issue presented here does not come close. A sanction against one group of defendants, all wholly owned and controlled by one person, is case-specific, discretionary, “inherently fact bound,” and reviewed only for abuse of discretion.⁹ The underlying factual findings, which here are extensive and shocking, are reviewed for clear error.¹⁰ Review here will lead to no ruling of broad applicability.¹¹

The trial court’s sanction was moderate, well-reasoned, and within its inherent power.¹² It is not an abuse of discretion to default parties on the merits for more

⁷ *Metro. Life Ins. v. Aetna Cas. & Sur.*, 249 Conn. 36, 48 (1999) (quoting § 52-265a).

⁸ See, e.g., *Laurel Park, Inc. v. Pac*, 194 Conn. 677, 680 (1984) (injunction allowed continued operation of facility contaminated with chemical that posed “imminent” threat to public health); *Hall v. Gilbert & Bennett Mfg.*, 241 Conn. 282, 302 (1997) (retroactivity of process change for resolving contested workers compensation claims).

⁹ *Double I LP v. Glastonbury Plan & Zoning Comm’n*, 218 Conn. 65, 84 (1991) (“determining whether sanctions should be imposed is inherently fact bound”).

¹⁰ *Millbrook Owners Assn., Inc. v. Hamilton Standard*, 257 Conn. 1, 17-18 (2001).

¹¹ The Jones Defendants’ attempts to relitigate the January 10 discovery order are meritless and untimely and should be ignored.

¹² *Maurice v. Chester Housing Associates LP*, 188 Conn. App. 21, 26-27 (2019) (inherent sanction derived from the “power to impose silence, respect, and decorum”; reaches in- and out-of-court conduct and includes “[o]utright dismissal”) (quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-45 (1991)).

pedestrian discovery obstruction¹³ or abusive conduct.¹⁴ While sanctions require fair notice and opportunity for a hearing on the record, the trial court here provided far more than was required. The sanctions issue was pending for months and was briefed and argued repeatedly. The trial court gave notice that counsel must be ready to address the broadcasts at the Tuesday hearing. Plainly counsel did not need time to become acquainted with the facts – Pattis was sitting next to his client throughout the broadcast. At the hearing, counsel elected not to introduce evidence other than the broadcasts and did not request additional time for briefing, or express any inability to address the merits. The reason why is evident: no amount of argument or investigation could justify the Jones Defendants' actions.

Finally, the First Amendment does not protect Jones' conduct. Courts have a duty to protect the court process. *Sacher v. United States*, 343 U.S. 1, 14 (1952) (reaffirming the Court's obligation to "protect the processes of orderly trial,"); *Potts v. Postal Trucking Co.*, 2018 WL 794550, at *2 (E.D.N.Y. Feb. 8, 2018) (collecting cases where courts exercised inherent powers to sanction lawyers or parties for threats).

Litigants and their attorneys may be sanctioned for baseless defamatory statements about court officers.¹⁵ Jones baselessly accused plaintiff's "counsel, through a broadcast, no less, of planting child pornography, which is a serious felony." Ex. G,

¹³ See *Forster v. Gianopoulos*, 105 Conn. App. 702, 711-13 (2008) (affirming default for misconduct at deposition on non-material discovery issue); *Spatta v. Am. Classic Cars*, 150 Conn. App. 20, 24-25 (2014) (affirming default for repeated failures to comply).

¹⁴ See *Emerick v. Town of Glastonbury*, 177 Conn. App. 701, 706 (2017) (affirming dismissal of *pro se* plaintiff for repeatedly acting "out of order" during trial); *Petito v. Brewster*, 562 F.3d 761, 763 (5th Cir. 2009) (affirming dismissal of plaintiff for "vulgar and abusive language" and "threatening emails").

¹⁵ *Notopoulos v. Statewide Grievance Comm.*, 277 Conn. 218, 227-29 (2006).

6/18 Tr. at 50:3-5. The First Amendment does not protect threats, intimidation, and harassment.¹⁶ This is not in dispute: at the hearing, counsel agreed that a party does not have First Amendment right “to threaten, harass, or intimidate” the lawyer on the other side. Ex. G, 6/18 Tr. at 30:24-31:1. If the court had not sanctioned Jones for his “20-minute deliberate tirade and harassment and intimidation” against counsel, it would have been derelict in its duty to protect court process.

III. DELAY WOULD WORK NO INJUSTICE

The defendants chose to use a special, expedited procedure meant to nip frivolous cases in the bud to challenge nearly every element in the case, making discovery on those elements necessary. They then obstructed that procedure’s discovery, serially abusing the special protection they had invoked. The court took the obvious, logical step and removed the special protection. The defendants suffer no injustice whatsoever, let alone an injustice requiring immediate remedy.

CONCLUSION

For all the foregoing reasons, the Application should be denied.

¹⁶ *United States v. Osinger*, 753 F.3d 939, 947 (9th Cir. 2014) (conduct “with the intent ... to ... harass, or intimidate, or cause substantial emotional distress” unprotected by First Amendment); see also *United States v. Turner*, 720 F.3d 411, 421 (2d Cir. 2013) (“Prohibiting threats ... to preserve citizens from fear ... is constitutionally permissible.”); *State v. Taupier*, 330 Conn. 149, 169 (2018) (no subjective intent required for true threat), *cert. denied*, 139 S. Ct. 1188 (2019). While defendants argued that Jones’ conduct “does not satisfy” the *Brandenburg* test for criminal threatening of creating an “imminent threat of immediate violence,” that is not the test here, and threats are independently proscribable. *United States v. Turner*, 720 F.3d 411, 425 (2d Cir. 2013) (“[T]hreats ... need be neither explicit nor conveyed with the grammatical precision of an Oxford don. [Defendant’s] conduct was reasonably found by the jury to constitute a threat, unprotected by the First Amendment; it need not also constitute incitement to imminent lawless action to be properly proscribed.” (citing *Brandenburg*)).

**Respectfully Submitted,
THE PLAINTIFFS-RESPONDENTS,**

By */s/*

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CERTIFICATION

Pursuant to Rule of Appellate Procedure 62-7, I hereby certify that on July 3, 2019, a true and correct copy of the foregoing has been delivered electronically to the last known e-mail addresses of each counsel of record for whom an e-mail has been provided, as indicated below; that the foregoing document has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and that the foregoing document complies with all applicable rules of appellate procedure.

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EXHIBIT A

DATE	DISCOVERY TIMELINE	DN/DOCKET
5/23/18	Lafferty case filed	NA Lafferty
11/21/18	Jones Defendants' Anti-SLAPP filed	DN 113.00 & 114.00 Lafferty
7/6/18	Sherlach I filed	NA Sherlach I
1/8/19	Jones Defendants' Anti-SLAPP filed	DN 136.00 & 137.00 Sherlach I
12/5/18	Sherlach II filed	NA Sherlach II
1/8/19	Jones Defendant Anti-SLAPP filed	DN 114.00 & 115.00 Sherlach II
12/17/18	Motion to Consolidate Lafferty, Sherlach I, Sherlach II Granted	DN 117.10 Lafferty
12/10/18	Pls' Motion for Statutory, Limited Expedited Discovery	DN 123.00 Lafferty
12/14/18	Jones Defendants Opposition to Ps' Motion for Limited Discovery	DN 126.00 Lafferty
12/17/18	Pls' Reply in Support of Motion for Limited Discovery	DN 130.00 Lafferty
12/17/18	Ruling Finding Good Cause for Limited Discovery	DN 123.10 Lafferty
1/23/19	Court-Ordered Deadline for Compliance with Interrogatories and Requests for Production	1/23/19 Tr. at 6-7
1/23/19	Jones Defendants' Section 52-265a Application Challenging Discovery Orders	Mot SC 180261 Supreme Court
1/28/19	Denial of Section 52-265a Application by the Chief Justice	
2/22/19	Protective Order Entered (at Jones Defendants' Request)	DN 185.10 Lafferty
2/22/19	Jones Defendants' Motion for Extension of Time to Comply with Interrogatories and Requests for Production to Mar. 6, 2019 *Jones Defendants represent they will "significantly be able to produce by the current deadline."	DN 186.00 Lafferty
3/1/19	Plaintiffs' Motion to Compel *because no compliance at all was made as of 3/1/19	DN 192.00 Lafferty
3/6/19	Jones Defendants' Motion for Extension of Time to Comply with Discovery Order *Jones Defendants represent an additional two weeks is required because Attorney Norm Pattis is substituting his appearance for current counsel	DN 196.00 Lafferty

DATE	DISCOVERY TIMELINE	DN/DOCKET
3/7/19	Extension granted, "however, as stated on the record, should the defendants again fail to comply with the court ordered deadline, the court will, after a hearing, entertain sanctions including possible preclusion of the defendants' special motion to dismiss." *New compliance date is due March 20, 2019	DN 196.10 Lafferty 3/7/19 Tr. at 5-6
3/18/19	Jones Defendants' Motion for Extension of Time to Comply with Discovery Order *representing that Attorney Pattis "still" awaits delivery of documents necessary to review for purposes of compliance	DN 203.00 Lafferty
3/20/19	Extension Denied	DN 203.10 Lafferty
3/20/19	Plaintiffs' Motion for Sanctions based on Jones Defendants' failure to comply with Court-Approved Interrogatories and Requests for Production	DN 206.00 Lafferty
3/22/19	Attorney Pattis files false affidavit of Alex Jones in support of request for more time and denial of sanctions	DN 212.00 Lafferty
3/25/19	Plaintiffs' Supplemental Memo in Support of Motion for Sanctions Against Jones Defendants	DN 213.00 Lafferty
4/2/19	Plaintiffs' Second Supplemental Motion in Support of Sanctions	DN 215.00 Lafferty
4/10/19	Hearing regarding sanctions; Court refuses to preclude Defendants' Anti-SLAPP Motion, but allows plaintiffs to seek other relief Discovery of Alex Jones' false affidavit	4/10/19 Tr. at 12:14-26 4/10/19 Tr. at 29-31
4/11/19	Jones Defendants' Notices of Compliance	DNs 218.00-222.00 Lafferty
4/22/19	Plaintiffs' Motion to Compel Compliance *seeking production of electronically stored documents in native format, among other things	DN 227.00 Lafferty
4/22/19	Plaintiffs' Motion for Discovery Regarding Compliance *seeking to depose four employees of the Jones Defendants concerning completeness of compliance	DN 234.00 Lafferty
4/22/19	Hearing where Attorney Pattis is referred to Disciplinary Counsel	4/22/19 Tr. at 4-6
4/30/19	Order allowing plaintiffs to take four one-hour depositions concerning completeness of compliance	DN 234.10 Lafferty
5/15/19 & 5/16/19	Depositions taken in Austin, TX	
5/29/19	Plaintiffs' Motion to Compel *depositions revealed the Jones Defendants had not produced significant, responsive information; seeking production of that information	DN 255.00 Lafferty

DATE	DISCOVERY TIMELINE	DN/DOCKET
6/10/19	Order finding Jones Defendants have not fully and fairly responded to RFPs 15-17. Ordering production within one week and warning that “the Court will consider appropriate sanctions for the defendants’ failure to fully and fairly comply should they not produce the data within one week.”	DN 255.10 Lafferty
6/14/19	Plaintiffs’ Motion for Ruling on Other Outstanding Discovery Issues	DN 263.00 Lafferty
6/17/19	Plaintiffs’ Motion for Review of Broadcast by Alex Jones Threatening Plaintiffs’ Counsel	DN 264.00 Lafferty
6/17/19	Plaintiffs’ Request for Adjudication of DN 264.00	DN 265.00 Lafferty
6/17/19	Court Order: “Counsel should be prepared to address the matter at tomorrow’s hearing, and the clerk is directed to notify counsel of record of same.”	DN 265.10 Lafferty
6/18/19	Hearing regarding noncompliance and threatening broadcast resulting in sanctions order	

EXHIBIT B

NO: FBT-CV18-6075078-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : JANUARY 23, 2019

NO: FBT-CV18-6076475-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX JONES, ET AL : JANUARY 23, 2019

NO: FBT-CV18-6081366-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : JANUARY 23, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

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1 give me a reasonable proposal.

2 ATTY. STERLING: We actually, anticipating that
3 that would --

4 THE COURT: Oh, good.

5 ATTY. STERLING: -- be Your Honor's wish we had
6 a conversation before we came out, so --

7 THE COURT: Okay, so what's the answer? If the
8 answer is no --

9 ATTY. STERLING: So counsel --

10 THE COURT: -- from the Chief Justice --

11 ATTY. WOLMAN: If the answer is no I would say
12 if they serve it tomorrow 30 days from tomorrow.

13 THE COURT: So you're pro -- so you don't have
14 an agreement?

15 ATTY. STERLING: His proposal is February --

16 THE COURT: I don't want no proposals, I wanted
17 you to put your heads together and give me your
18 agreement; that's what I wanted you to do.

19 ATTY. STERLING: Fair enough, Your Honor. We
20 got partway there.

21 THE COURT: Well, don't you think you can just
22 go a little further?

23 ATTY. STERLING: I'd be happy to, Your Honor.

24 THE COURT: Yeah, I mean --

25 ATTY. WOLMAN: What would you like to do?

26 ATTY. STERLING: What?

27 ATTY. WOLMAN: What would you like to do?

1 ATTY. STERLING: I think -- so counsel had
2 proposed February 23rd and we can live with that.
3 I'm a little concerned about how tight that's going
4 to put us under the scheduling order in terms of
5 depositions.

6 THE COURT: Well, then if you -- all right. So
7 then agree to tweak the scheduling order a little bit
8 so that nobody's being pressed too much, because I do
9 think that probably February 23rd is a reasonable
10 deadline --

11 ATTY. STERLING: Yeah.

12 THE COURT: -- if the answer is no.

13 ATTY. STERLING: Okay. Your Honor --

14 THE COURT: Okay.

15 ATTY. STERLING: -- the one point I would make
16 is that, you know, we are try --

17 THE COURT: You can sit if you want.

18 ATTY. WOLMAN: Okay, thank you.

19 THE COURT: Unless you're happy standing. I
20 don't care what you do but --

21 ATTY. STERLING: We'd really like to proceed on
22 an expedited basis because we'd like to get this
23 ruled on and like to move ahead, so that's just my
24 only reluctance but --

25 THE COURT: All right.

26 ATTY. STERLING: If there's a need to tweak the
27 scheduling order we'll try to reach agreement on it

NO: FBT-CV18-6075078-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : JANUARY 23, 2019

NO: FBT-CV18-6076475-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX JONES, ET AL : JANUARY 23, 2019

NO: FBT-CV18-6081366-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : JANUARY 23, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 23rd day of January, 2019.

Dated this 11th day of February, 2019 in Bridgeport, Connecticut.



Catherine Hudder
Court Recording Monitor

EXHIBIT C

NO: FBT-CV18-6075078-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : MARCH 7, 2019

NO: FBT-CV18-6076475-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX JONES, ET AL : MARCH 7, 2019

NO: FBT-CV18-6081366-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : MARCH 7, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:

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ATTORNEY CHRISTOPHER M. MATTEI
ATTORNEY MATTHEW S. BLUMENTHAL
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Representing the Defendants, Alex Emric Jones, Infowars, LLC,
Infowars Health, LLC, Prison Planet TV, LLC, and Free Speech
Systems, LLC:

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Representing the Defendant, Cory Sklanka:

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Representing the Defendant, Midas Resources, Inc.:

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1010 Washington Blvd.
Stamford, CT 06901

Recorded and Transcribed By:
Catherine Hudder, Court Monitor
1061 Main Street, 4th Floor
Bridgeport, CT 06604

1 don't have any problem at all giving you the two
2 weeks. I do think that it was not proper for the
3 defendants to wait for the Court-ordered deadline to
4 pass and not ask for a modification of the Court's
5 order. So what we have, what you're asking for,
6 although I'm going to give it to you, frankly; but
7 what you're asking for is for another court order on
8 a deadline where you already had, the defendants
9 already had a court order for a deadline and just let
10 it go. So I'm not a big fan of wasting everybody's
11 time and, you know, entering new court orders on
12 deadlines that, you know, weren't responded to in the
13 first place.

14 So I don't have a problem to do that. I'm going
15 to put it with the caveat that I urge the defendants
16 to honor this Court-ordered deadline because the
17 defendants are the ones that want their motion to
18 dismiss adjudicated, but if they're going to continue
19 to ignore court deadlines they're going to lose the
20 ability, quite frankly, to pursue their motion to
21 dismiss.

22 So I urge you to please comply with this new
23 Court-ordered deadline so that you are not
24 jeopardizing your special motion to dismiss, because
25 that is what is going to happen here. We have
26 deadlines for discovery, the depositions, for
27 argument. These cases are supposed to move forward

1 at a faster rate than your typical case, and I am not
2 a believer --

3 And, again, Attorney Pattis, you're new to the
4 table here and in no way, shape or form am I faulting
5 you, but the defendant had an obligation to meet that
6 Court-ordered deadline and they simply didn't do it.
7 Instead, I had a status conference all scheduled that
8 got cancelled somehow by agreement at which point I
9 could have addressed the issue. So I don't
10 appreciate, you know, the parties asking me to enter
11 orders and then ignoring them; all right?

12 Anything else to adjudicate today? Just tell me
13 what's ready to be adjudicated because I'm not going
14 to -- we're not going to go back and forth on it.

15 Anything ready to be adjudicated?

16 ATTY. MATTEI: Well, I think what we need to
17 know is whether or not this extension now means that
18 the deposition schedule that we had previously set
19 and which the Court had set also needs to be moved.

20 THE COURT: Why don't I pass it and why don't
21 you have an opportunity to talk to each other and see
22 if you can come up with a proposal on that. I'd
23 rather have you work together and give me a proposal.
24 Does that make sense?

25 ATTY. PATTIS: Yes.

26 THE COURT: Okay. All right. So I'll take a
27 brief recess. Just let me know -- I'm sure I'll have

NO: FBT-CV18-6075078-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : MARCH 7, 2019

NO: FBT-CV18-6076475-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX JONES, ET AL : MARCH 7, 2019

NO: FBT-CV18-6081366-S : SUPERIOR COURT
WILLIAM SHERLACH, ET AL : JUDICIAL DISTRICT OF FAIRFIELD
V. : AT BRIDGEPORT, CONNECTICUT
ALEX EMRIC JONES, ET AL : MARCH 7, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 7th day of March, 2019.

Dated this 14th day of March, 2019 in Bridgeport, Connecticut.

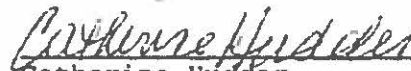

Catherine Hudder
Court Recording Monitor

EXHIBIT D

NO: XO6 UWY CV18-6046436-S: NO: XO6 UWY CV18-6046437-S

ERICA LAFFERTY : WILLIAM SHERLACH

V : V

ALEX EMRIC JONES : ALEX EMRIC JONES

* * * * *

NO: XO6 UWY CV18-6046438-S: SUPERIOR COURT

WILLIAM SHERLACH : JUDICIAL DISTRICT OF WATERBURY

V : AT WATERBURY

ALEX EMRIC JONES : MARCH 22, 2019

* * * * *

B E F O R E:

THE HONORABLE BARBARA N. BELLIS,

Judge

A P P E A R A N C E S:

Representing the Plaintiffs:

ATTORNEY ALINOR C. STERLING
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Representing the Defendant, Alex Jones:

ATTORNEY NORMAN A. PATTIS
ATTORNEY KEVIN M. SMITH
Pattis & Smith
383 Orange Street
New Haven, Connecticut 06511

Representing the Defendant, Midas Resources:

ATTORNEY STEPHEN P. BROWN
Wilson Elser Moskowitz Edelman & Dicker
1010 Washington Boulevard
Stamford, Connecticut 06901

1 Pattis had indicated that he had advised people who
2 need to know of the Court's observations. But not
3 only that, it was a Court order. So it was out there
4 for all to see. So that is just in and of itself
5 extremely problematic and the fact that things were
6 not provided to Attorney Pattis until March 18th.

7 The other thing that came up in the course of
8 this hearing, and, obviously, I haven't seen any of
9 the documents that have been referenced by Attorney
10 Pattis, is that Mr. Jones apparently signed his
11 affidavit on March 6th. The representation from
12 Attorney Wolman was that compliance could be provided
13 on February 25th, including those interrogatories.

14 So I'm not in a position to reconcile all these
15 difficulties. What I can do is point to them and say
16 to the Court, I understand Attorney Pattis is casting
17 this in the absolute rosiest light, but the record
18 doesn't look rosy. So I will say one thing about the
19 sanction, and then I understand the Court's preference
20 to proceed on Tuesday, which is that the sanction that
21 we're asking for, which is denial of the anti-SLAPP on
22 a summary basis isn't a sanction on the merits. It
23 just allows the case to proceed to the merits. It
24 allows us to do full discovery. From everything
25 that's been represented, trying to do this discovery
26 on an expedited basis isn't working very well. This
27 is apparently a production of substantial numbers of

1 documents, if they materialize. But our case law is
2 concerned with making sure that a determination on the
3 merits is what happens, and that denying the
4 anti-SLAPP would actually help us get to that point
5 because at this point we're just stalled.

6 THE COURT: I'm not going to address that now,
7 but I've said many times now that that special motion
8 to dismiss is in jeopardy, but I wouldn't be denying
9 it. I would be precluding it. I wouldn't address the
10 merits of it.

11 But I do want to interrupt you because I would
12 like to address this to Attorney Pattis, as well. One
13 of Attorney Pattis' comments, which I accept, that he
14 had originally asked for in his extension of time, I
15 think, for April 1st now, but when you checked with
16 the person who was doing the forensic examination, or
17 whatever you call it, that that wouldn't even be
18 possible. It would be April 15th. So, basically,
19 what the representation is is that it -- it sounds
20 like a solid month to do that forensic audit, or
21 whatever you call it, of the emails. So I guess what
22 I'm saying in a way that that's probably more
23 difficult and more of a burden than was anticipated
24 that was ever mentioned by anyone at any point,
25 Attorney Wolman, and so forth. So it might have been
26 impossible -- if it had been done properly, it might
27 have been impossible for the Jones defendant to have

1 met that first deadline, given the number of emails
2 and such.

3 ATTY. STERLING: Possible, although, your Honor,
4 then the question arises, but if they were actually
5 attempting to do this, why didn't we hear about it
6 sooner? It's the first thing I would say if I was
7 under a deadline like that. And also with the focus
8 in this case on how hard we worked to set expedited
9 deadlines.

10 So I don't really have a response to that at this
11 point, your Honor. It's very difficult from where I
12 sit because I don't have anything to review. I don't
13 have a basis to know what's being produced. I
14 don't -- the representations about what's being
15 searched have shifted over the course of the discovery
16 process. I just -- is there another way to ask that
17 question of me, your Honor? I'm not giving a good
18 answer, but I'm not quite sure what the Court's
19 concern is.

20 THE COURT: Attorney Pattis, can I ask you, what
21 is the like -- you also mentioned the cost involved of
22 doing it. To be honest, would you like me to be
23 straightforward here?

24 ATTY. PATTIS: Yes.

25 THE COURT: The Jones defendants at this point
26 are coming from a position of weakness. They've blown
27 past the Court's deadlines. There hasn't been a

1 single piece of paper or interrogatory answered. And
2 now they're saying it's too costly. Wouldn't the
3 better approach -- or that who's going to pay the
4 ninety thousand dollars, or whatever it was that you
5 said. Wouldn't a better approach be to turn over
6 immediately the twelve thousand plus documents --

7 ATTY. PATTIS: Yes, I intend to.

8 THE COURT: The thirty thousand documents over
9 the weekend, pay the costs of having your forensic
10 examination of the emails instead of suggesting at
11 this point that the plaintiff should bear that cost,
12 answer the interrogatories that you identified the
13 production requests that you can -- and then change
14 the landscape in a way so there's some good faith.
15 This would be the first step.

16 ATTY. PATTIS: That is entirely on me. And I
17 wanted to comply fully because, candidly, I'm busy and
18 I don't want to be involved on a piecemeal basis.
19 That's my personal preference, but I'm not going to
20 get my way here. So I think you're right.

21 As to the --

22 THE COURT: I'm going to interrupt you again.
23 You are getting your way because nothing were to stop
24 me from ruling on that motion and precluding the
25 special motion to dismiss and just moving on with the
26 case. So as far as I'm concerned, you did yeoman's
27 work in --

NO: XO6 UWY CV18-6046436-S: NO: XO6 UWY CV18-6046437-S

ERICA LAFFERTY : WILLIAM SHERLACH

V : V

ALEX EMRIC JONES : ALEX EMRIC JONES

* * * * *

NO: XO6 UWY CV18-6046438-S: SUPERIOR COURT

WILLIAM SHERLACH : JUDICIAL DISTRICT OF WATERBURY

V : AT WATERBURY

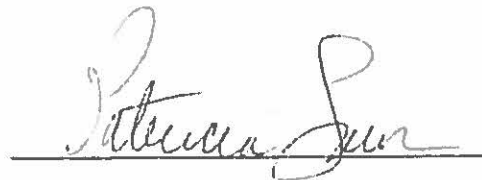
ALEX EMRIC JONES : MARCH 22, 2019

* * * * *

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in the Superior Court, Judicial District of Waterbury, at Waterbury, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 22nd day of March, 2019.

Dated this 27th day of March, 2019, in Waterbury, Connecticut.



Patricia Sabol

Court Monitor

EXHIBIT E

NO: UWY-CV18-6046437 S : SUPERIOR COURT
SHERLACH, WILLIAM : JUDICIAL DISTRICT
OF FAIRFIELD
v. : AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL. : APRIL 3, 2019

NO: UWY-CV18-6046438 S : SUPERIOR COURT
LAFFERTY, ERICA, ET AL. : JUDICIAL DISTRICT
OF FAIRFIELD
v. : AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL. : APRIL 3, 2019

NO: UWY-CV18-6046436 S : SUPERIOR COURT
SHERLACH, WILLIAM, ET AL. : JUDICIAL DISTRICT
OF FAIRFIELD
v. : AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL. : APRIL 3, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

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Representing the Defendants Alex Jones; Infowars, LLC; Free
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Representing the Defendant Cory Sklanka:

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Representing the Defendant Midas Resources, Inc.:

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Recorded By:
Colleen Birney
Transcribed By:
Colleen Birney
Court Recording Monitor
1061 Main Street
Bridgeport, CT 06604

1 THE COURT: Calling the Lafferty matters. If
2 you could step forward, identify yourselves for the
3 record?

4 ATTY. STERLING: Good morning, Your Honor;
5 Alinor Sterling, Koskoff, Koskoff & Bieder, for the
6 plaintiffs.

7 ATTY. MATTEI: Good morning, Your Honor; Chris
8 Mattei, also with Koskoff, for plaintiffs.

9 ATTY. BLUMENTHAL: Matt Blumenthal, also with
10 Koskoff, also for the plaintiffs. Good morning, Your
11 Honor.

12 THE COURT: Good morning.

13 ATTY. PATTIS: Good morning. Norm Pattis on
14 behalf of Mr. Jones and the Infowar (sic) defendants.

15 ATTY. JAKIELA: Good morning, Your Honor;
16 Kristan Jakiela, Regnier Taylor, on behalf of Cory
17 Sklanka.

18 ATTY. BROWN: Good morning, Your Honor; Stephen
19 Brown, Wilson Elser, on behalf of Midas Resources.

20 THE COURT: Okay. So you had asked to continue
21 it to this morning. I think you were hopeful that --
22 I think you were hopeful, I'll leave it at that.

23 ATTY. STERLING: Yes, Your Honor. We were -- we
24 were unsuccessful with what we hoped to do. So we
25 need to proceed with the motion for sanctions today.

26 THE COURT: All right. Attorney Pattis, can I
27 ask what's your availability today? Are you on

1 trial?

2 ATTY. PATTIS: No. There's a jury out, but I'm
3 set to get on an airplane to head to Seattle fairly
4 soon today.

5 THE COURT: You don't need to get back to your -
6 -

7 ATTY. PATTIS: No, I do not.

8 THE COURT: Okay.

9 ATTY. PATTIS: But Judge, I've alerted Counsel
10 that a non-candor-related conflict has arisen and I
11 have consulted counsel both over the weekend when it
12 was apparent that there may be an issue, and I tried
13 again this morning after certain discussions last
14 night. I simply -- I can report on what we've done.

15 But going forward, Judge, I need additional time to
16 sort through the conflict and either move to get out
17 of the case or have this issue -- I have an issue
18 that I cannot disclose resolved.

19 THE COURT: How much time do you need for that?

20 ATTY. PATTIS: I don't want to put my personal
21 business on the record, but I will. I'm a new
22 grandfather. My wife and I are planning to spend
23 some time with my grandson in Seattle. I was
24 planning to be in Austin on the 11th and 12th to meet
25 with Mr. Jones. He's going to be outside Austin in a
26 different location on the West Coast beginning
27 Thursday of this week. I can meet with him earlier

1 if necessary. My family will understand. But I need
2 to have a personal sit-down with him. And one of two
3 things is going to happen: I'm either going to be in
4 the case without a conflict or I'm going to have to
5 get out. I can tell you that it is a serious issue.
6 It goes to the heart of the case. And I feel that I
7 need the additional time to sort this out.

8 ATTY. STERLING: Your Honor, we are here because
9 they invoked a special procedure which automatically
10 stays discovery. And it's been four months since the
11 Court stayed discovery. This is the second potential
12 --

13 THE COURT: Can you just address the issue that
14 --

15 ATTY. STERLING: -- change -- yes, Your Honor.

16 THE COURT: I understand that. Just address
17 Attorney -- it's a unique situation. Address that
18 issue, if you could.

19 ATTY. STERLING: Yes, Your Honor.

20 THE COURT: So right now, the extension of time
21 was denied and I haven't ruled on the motion for
22 sanctions. Okay. So address the serious issue that
23 he raises.

24 ATTY. STERLING: So Your Honor, we would like to
25 go forward. We -- you know, this is the second
26 change of counsel. I understand the concern that
27 Attorney Pattis raises, but we need to go forward.

1 And the reason why is because discovery is stayed.
2 And so delay after delay after delay by a party that
3 wasn't -- that invoked the statute but wasn't
4 prepared to comply with its provisions is prejudicing
5 my clients.

6 ATTY. PATTIS: Well, Judge, it's simply untrue.

7 THE COURT: So --

8 ATTY. PATTIS: Her client chose to sue and we --

9 THE COURT: Well, no. I didn't --

10 ATTY. PATTIS: -- availed ourselves of the
11 statute.

12 THE COURT: -- invite the colloquy.

13 ATTY. PATTIS: I hear you.

14 THE COURT: That's not how I operate. I think
15 you both know that.

16 ATTY. PATTIS: I'm sorry.

17 THE COURT: It's okay. So I just -- let me --
18 I'm trying to get an understanding, Attorney Pattis,
19 of what you're proposing. So you're proposing in
20 light of the issue that you've raised to --

21 ATTY. PATTIS: I don't want to make a proposal
22 because when I do I'm accused of seeking delay for
23 strategic reasons. I'm simply telling you that as
24 your officer, I have a duty of loyalty to my client.

25 And that's a duty of loyalty to the exclusion of the
26 world. I believe that based on my efforts to comply
27 with discovery, there is a potential and serious

1 conflict that might require me to get out of the
2 case. I need some time to sort that out. And I'm
3 sorry.

4 The issues in this case are significant and
5 real, and I understand the plaintiffs' frustration
6 with compliance. We feel we've substantially
7 complied, but the areas in which they're -- they
8 claim there aren't substantial compliance require
9 addressing. And there may -- I may have a conflict
10 at this point based on things that I know. I don't
11 know that you'd entertain an ex parte discussion. If
12 we did, it would probably disqualify you from the
13 case. So I don't know what else to say other than
14 the fact that I've appeared before you for a number
15 of years and I take my duty of candor towards this
16 tribunal seriously, as serious as I take my duty of
17 loyalty to Mr. Jones. I just don't know what to do.

18 I mean, if you could give until the 15th, I'd take
19 it. If you want me to come back, I will. I wasn't
20 planning to be back in the state until the 13th. But
21 I -- I understand the need to advance the litigation.

22 THE COURT: Well, the added wrinkle is that I'm
23 out of the country. I'm leaving -- I won't be in
24 from the 12th to the -- I'm back on the 22nd.

25 ATTY. PATTIS: We'll travel to any location that
26 you --

27 THE COURT: Portugal?

1 ATTY. PATTIS: Is it someplace interesting?

2 THE COURT: Portugal.

3 ATTY. PATTIS: Okay. You know, Judge, I'm --

4 THE COURT: Well --

5 ATTY. PATTIS: Would you entertain a
6 teleconference next week?

7 THE COURT: When I'm in -- next week. I have to
8 do this on the record, so I think that might get a
9 little tricky. But I'm concerned. I believe I hear
10 you saying that you're in a position where it would
11 be difficult for you to substantively address the
12 issues until you flesh out the conflict. Is that
13 what you're saying?

14 ATTY. PATTIS: I can address most issues, but
15 not all. I had a teleconference last night, and, you
16 know, I attempted to contact counsel of my own this
17 morning to help me reason through this. Suffice it
18 to say that it's in a position -- I'm in a position
19 that is unique in my career and I've had a career
20 filled with many unique circumstances.

21 THE COURT: Well, I suppose what I could do
22 would be what I had intended to do initially until
23 you persuaded me several times to not do what I
24 intended to do, I suppose I could issue an order and
25 stay the order. And what I had intended to do was
26 preclude the defendant from pursuing the special
27 motion to dismiss, and I could --

1 ATTY. PATTIS: I think that's too harsh a
2 remedy.

3 THE COURT: Well, I'm sure you do. I could stay
4 the order until the date where we're able to address
5 the issues.

6 ATTY. PATTIS: I would ask that you not do that.
7 Even in the plaintiffs' pleadings, they suggest
8 limited discovery related to discovery. But I just
9 think that's too harsh a remedy.

10 THE COURT: Well, it would be stayed. And that
11 really was where I was headed, and I believe I said
12 it several times on the record at several of these
13 different hearings. But I can't -- I've lost count
14 now of how many times we've been together trying to
15 give you an opportunity to sort of persuade the Court
16 that you've made substantial --

17 ATTY. PATTIS: Well, I think we have.

18 THE COURT: -- that your client has. Well, is
19 that something that can be addressed today but
20 keeping out the area where you have a conflict? Are
21 you going to be able to -- to make an argument
22 without jeopardizing, you know, without the issues
23 that you have such that --

24 ATTY. PATTIS: There is one area that I have a
25 potential conflict on and I need to sort that out.
26 I'm asking you to defer ruling until that time. The
27 law of the case right now is that my -- my request

1 for reconsideration has been denied. There is a
2 pending motion for sanctions. The Court has
3 indicated -- suggested it might be willing to
4 reconsider depending on our demonstration of
5 substantial compliance.

6 There is one area that I need to resolve this
7 conflict on. And if I can't resolve it, I need to
8 get out.

9 THE COURT: Attorney Sterling?

10 ATTY. STERLING: Yes. Your Honor, there's been
11 delay after delay after delay. We've been back and
12 back. And the reason we've been back is because the
13 defendants haven't been able to provide the expedited
14 discovery that the statute permits, even though
15 they're benefitting from the stay the statute puts in
16 place. So we're ready to go forward today. We would
17 not object to Your Honor's idea of entering the
18 sanction and then staying it.

19 Attorney Pattis did not accurately represent
20 what is in our pleading. We had suggested as an
21 alternative that the Court open discovery fully and
22 then hear the special motion to dismiss at the close
23 of full discovery at a time when the Court determines
24 that it's practicable. That -- that's two different
25 ways of getting to the same place. So -- but it's
26 not a suggestion that we would at this point agree to
27 any limited discovery in -- in substitute for the

1 full sanction of setting aside precluding the special
2 motion to dismiss. And the reason for that is what I
3 keep saying, which is that they're benefitting from
4 delay after delay after delay. If they wanted to
5 invoke the statute, then they needed to be prepared
6 to provide discovery and they needed to do it on an
7 expedited basis. And I know Your Honor has heard me
8 say that a million times, and I'll stop now.

9 I can address the deficiencies in discovery
10 today. I am ready to go forward. I -- I can't quite
11 tell what Attorney Pattis is saying and whether we
12 could address some issues and not other issues.

13 THE COURT: I take his word that when he said
14 there's an area that's off limits until he fleshes
15 out that conflict, I'm not questioning that.

16 ATTY. STERLING: Nor am I, Your Honor. What I'm
17 not understanding is whether we could address three
18 quarters of the issues and it would be beneficial to
19 do so and leave one quarter aside, or whether that
20 can't be done.

21 THE COURT: Can we do that, Attorney Pattis?
22 Can we address -- are you comfortable addressing the
23 areas where there's no conflict issue in the hopes
24 that you're going to be able to persuade the Court
25 that there has been good-faith compliance or
26 substantial compliance such that you should be given
27 more time?

1 ATTY. PATTIS: There's one area I will not be
2 able to address and so I'm somewhat prejudiced in
3 that regard, or Mr. Jones is. It's not about me.
4 But I'm happy to try to advance the case such that I
5 can.

6 THE COURT: The alternative is I'll give you an
7 opportunity to be heard on what I am giving serious
8 thought to, which is granting the motion for
9 sanctions in part by precluding the special motion to
10 dismiss, but staying that order until you've had an
11 opportunity to flesh out the conflict and you've had
12 an opportunity to be heard on the record as to
13 whether there has been good-faith, substantial
14 compliance.

15 ATTY. PATTIS: I'm just not sure what that
16 accomplishes other than another public relations
17 victory for Mr. Jones' antagonists. And I don't --
18 because in the end, Judge --

19 THE COURT: Well, I'm not looking at this from a
20 public relations view. I'm -- I'm looking at --

21 ATTY. PATTIS: I'm looking at it from terms of
22 my client's interests. And so I'm asking for a brief
23 period to sort out a conflict. I've sought my own
24 counsel this morning, was unable to reach him before
25 court opened. I don't think what I'm asking for is
26 unreasonable. I'm not prepared -- and I can't
27 describe the conflict in better terms. Suffice it to

1 say that it relates to an integral part of the issue
2 in dispute. This is not interposed for reasons of
3 delay on my part. I have professional obligations to
4 my client and to this Court that I take very
5 seriously.

6 So I'm asking for additional time, and if
7 necessary, I can return prior to your leaving for
8 Portugal so that --

9 THE COURT: Well, I'm not looking to cut short
10 your vacation to accommodate my vacation.

11 ATTY. PATTIS: I take a lot of vacations. I'm
12 an old man.

13 THE COURT: I suppose we could somehow try to do
14 it on the record through a -- a videoconference or a
15 phone conference.

16 ATTY. PATTIS: I'll find the means if the Court
17 will give us the opportunity.

18 THE COURT: But before the 11th, is what I'm
19 saying.

20 ATTY. PATTIS: Yes. Yes.

21 THE COURT: What date are you suggesting?

22 ATTY. PATTIS: Whatever works for everybody.
23 I've got nothing but time for the next -- until --
24 until the 14th.

25 THE COURT: Well, I think it's just a matter of
26 you -- how much time are you going to need to deal
27 with that --

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	APRIL 3, 2019
.....		
NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 3, 2019
.....		
NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 3, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 3rd day of April, 2019.

Dated this 4th day of April, 2019, in Bridgeport, Connecticut.



 Colleen Birney
 Court Recording Monitor

EXHIBIT F

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	APRIL 22, 2019
.....		
NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 22, 2019
.....		
NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 22, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

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ATTORNEY ALINOR STERLING
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Recorded By:

Colleen Birney

Transcribed By:

Colleen Birney

Court Recording Monitor

1061 Main Street

Bridgeport, CT 06604

1 for today. I'm here today, obviously. Tuesday,
2 Wednesday, and Thursday we'll do here.

3 ATTY. MATTEI: Thank you.

4 THE COURT: Okay. Does anyone have anything
5 else?

6 ATTY. SMITH: Not from the Jones defendants,
7 Your Honor.

8 THE COURT: All right. So I -- I reviewed the
9 transcripts and the affidavit and I do want to put a
10 statement on the record, and I think I'm going to
11 proceed a certain way.

12 So on March 22nd, 2019, Defense Counsel filed
13 the affidavit that indicated it was signed by Alex
14 Jones under oath, and the e-filing description
15 referred to a March 22nd, 2019, affidavit of A.
16 Jones. That was the e-file description. And the
17 attestation clause indicates that the affidavit was
18 sworn to and subscribed to on March 22nd, 2019; and
19 we learned on that same date that Attorney Pattis --
20 I'm sorry, we learned subsequently on April 10th that
21 Attorney Pattis had taken the signature and that the
22 signature was not that of Mr. Jones but of an
23 authorized representative who didn't want to be named
24 because he didn't want to be harassed. But on March
25 22nd, 2019, on the record Attorney Pattis referred to
26 the document as an affidavit from Jones.

27 The affidavit is devoid of any language that

1 would reveal that Mr. Jones' agent or employee or
2 authorized representative signed his name to the
3 document. There's no attempted power of attorney
4 language or acknowledgement or anything at all to
5 show that some other person signed Alex Jones' name
6 to the affidavit. So in the Court's opinion, the
7 affidavit is -- is invalid and is a false affidavit.

8 Affidavits are supposed to be signed by the author,
9 not surreptitiously by some other unknown, although
10 authorized, person.

11 So I am going to refer this matter to
12 Disciplinary Counsel.

13 ATTY. PATTIS: Judge, I've already self-
14 referred. I should -- you should be aware of that.

15 THE COURT: I did not know that.

16 ATTY. PATTIS: I was so taken aback by your
17 reaction and the reaction of Counsel, although I
18 stand by what I did. I take your role as Court very
19 seriously. I referred that to the New Haven
20 Committee, care of Michael Georgetti, the Friday of
21 our hearing. I've alerted Counsel to it in the event
22 they wanted to weigh in. They asked for a copy of my
23 filing. I didn't give them one because it contains
24 more information than was placed on the record.

25 But nonetheless, Judge, if I erred, the
26 Grievance Committee will tell me. I don't believe I
27 did.

1 THE COURT: All right. Well, I -- I certainly
2 am not in the practice -- I think I've said this
3 before on the record in this case, I've gone 16 years
4 without ever sanctioning an attorney and I'm sure not
5 going to start now. So my thought was that it would
6 be better left to Disciplinary Counsel to do an
7 investigation and to see what if any action should be
8 taken. I am going to make the referral, nonetheless,
9 but I am glad to hear that you did it, Attorney
10 Pattis. And I will leave it to them to figure out
11 what if anything needs to be done.

12 However, the question remains as to what if any
13 sanctions should enter as to the defendants in light
14 of the affidavit. So I assume everyone's prepared to
15 address that today.

16 ATTY. PATTIS: Judge, we did -- I don't know
17 that you're aware, but we submitted a substitute
18 affidavit --

19 THE COURT: I did see that.

20 ATTY. PATTIS: -- that was duly executed in
21 Texas.

22 THE COURT: I did see that. I did see that. I
23 did.

24 ATTY. PATTIS: Okay. And it's identical in
25 form.

26 THE COURT: What is the plaintiff's position?

27 ATTY. BLOSS: May I just have a moment, Your

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SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
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JONES, ALEX, ET AL.	:	APRIL 22, 2019


NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 22, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	APRIL 22, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 22nd day of April, 2019.

Dated this 23rd day of April, 2019, in Bridgeport, Connecticut.



 Colleen Birney
 Court Recording Monitor

EXHIBIT G

NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	JUNE 18, 2019

NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 18, 2019

NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
v.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 18, 2019

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

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TV, LLC:

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Recorded By:
Colleen Birney
Transcribed By:
Colleen Birney
Court Recording Monitor
1061 Main Street
Bridgeport, CT 06604

1 THE COURT: We're here on Lafferty v Jones.
2 It's a Waterbury case, UWY-CV18-6046436, and the
3 related matters. If Counsel could identify
4 themselves for the record, please?

5 ATTY. MATTEI: Good afternoon, Your Honor; Chris
6 Mattei, Bill Bloss, Josh Koskoff, and Matt Blumenthal
7 on behalf of the plaintiffs.

8 ATTY. REILAND: Good afternoon, Your Honor;
9 Attorney Zachary Reiland on behalf of the Jones
10 defendants.

11 ATTY. BROWN: Good afternoon, Your Honor;
12 Stephen Brown on behalf of the Midas defendant.

13 ATTY. JAKIELA: Good afternoon, Your Honor;
14 Kristan Jakiela on behalf of Cory Sklanka.

15 THE COURT: All right. Just give me one moment,
16 please.

17 So Attorney Pattis did stop by this morning on
18 scheduling. We had no other discussions besides
19 scheduling. He indicated he was before Judge Gould,
20 but that, Counsel, you would be here in his stead and
21 that he did not need to be here or wish necessarily
22 to be here.

23 ATTY. REILAND: That's correct, Your Honor.
24 Thank you.

25 THE COURT: Okay. Just wanted to clarify that.

26 All right. So I did -- I'll take up the matters
27 that I've adjudicated and then we'll see where we go

1 from there.

2 So I did deny the motion for stay that the
3 defendant filed. And I assume if at some point
4 there's a motion to withdraw, that would be
5 adjudicated in due course.

6 The motion for clarification that the defendant
7 -- the Jones defendant filed -- let me just find the
8 date on that. Counsel, do you know the date that was
9 filed, the motion -- defendant -- the Jones defendant
10 motion for clarification?

11 ATTY. REILAND: What date it was filed? It was
12 filed on June 11th.

13 THE COURT: Thank you.

14 ATTY. REILAND: I believe.

15 ATTY. MATTEI: Your Honor, it's dated June 12th.

16 THE COURT: Perfect. Thank you. Yeah, I see
17 it. It's filed under request. All right. That is
18 denied as well. And I would simply say that the
19 defendant should be guided by the language in the
20 actual requests for interrogatory and production.

21 So I've read all the filings to date and I --
22 including the recent ones. And I don't -- I don't
23 really care which way we proceed, what you want to
24 take up first. I don't know if you've had any
25 discussions, but I'm prepared to deal with them all
26 today and rule on anything that's outstanding today.

27 I did want to ask first, though, with regard to

1 discovery if there has been additional discovery
2 since we last met in person.

3 ATTY. REILAND: Your Honor, we haven't tendered
4 anything to the plaintiffs. However, last night I
5 did get some Google Analytics documents from Austin
6 from Free Speech Systems. I have not had a chance to
7 catalogue those and turn them over. That probably
8 will be coming --

9 THE COURT: So the answer would be since we last
10 met, there's not been any further production --

11 ATTY. REILAND: That's correct.

12 THE COURT: -- by the Alex Jones defendants, for
13 --

14 ATTY. REILAND: It is.

15 THE COURT: -- example, the -- the cellphone
16 information.

17 ATTY. REILAND: The cellphone has not been
18 produced. No, Your Honor.

19 THE COURT: Okay. All right. Because I just
20 would note that the deadline for producing at least
21 the data from the Google Analytics I believe was
22 Monday. So that deadline already passed. But --

23 ATTY. REILAND: I understand that, Your Honor.

24 THE COURT: -- in any event, did you have any
25 discussions on how you want to proceed, which motion
26 first?

27 ATTY. REILAND: We did not.

1 THE COURT: Okay. Because I think I'm prepared
2 to rule on the discovery motions without argument in
3 light of the fact that nothing's changed since you
4 were last here. So I suppose then you want to take
5 up your emergency motion?

6 ATTY. MATTEI: Your Honor, the -- the only other
7 issue, unless you're prepared to rule on this as
8 well, is any sanctions that may apply as a result of
9 the noncompliance. If you already decided what
10 you're going to do there, then we don't need to offer
11 anything.

12 THE COURT: I'm going to rule on -- from the
13 bench on all the motions at the end of all of them.
14 So the one that I was -- the only -- you're really
15 not entitled to argument on any of these, but I was
16 going to afford you argument if you wished on the
17 emergency motion that you filed.

18 ATTY. MATTEI: With respect to the discovery
19 motions, Your Honor, in the Court's order I believe
20 of June 10th --

21 THE COURT: Well, I'm not -- on the discovery
22 motions, I'm good. I think I was more directed to
23 your motion regarding the broadcast.

24 ATTY. MATTEI: Yes. And Attorney Bloss will be
25 handling any issues relating to the broadcast.

26 THE COURT: All right. So the discovery I don't
27 need any further argument on that. I did just want

1 to say one thing to both sides. So both of -- both
2 sides filed a motion and objection with hyperlinks, I
3 suppose, to Infowars shows that I didn't want to -- I
4 don't think I could even access them from the court
5 computer and I sure didn't want to try. So I was
6 able to do it from home last night. But I don't know
7 if those hyperlinks change and the materials change.

8 But in any event, just for a good appellate record,
9 I'm ordering both sides to retain copies of the
10 actual broadcast or whatever you want to call it, the
11 videos, make a copy, and retain it because I just
12 want to make sure the hyperlink -- you know, it isn't
13 taken down or destroyed or whatever. Just so we have
14 a good appellate record, okay?

15 ATTY. MATTEI: And for the record, Your Honor,
16 the plaintiffs have already downloaded and preserved
17 both the June 14th and June 15th broadcasts.

18 THE COURT: That's what I was looking for. And
19 Counsel, you might want to do the same thing --

20 ATTY. REILAND: Understand.

21 THE COURT: -- so that we don't have any issues.

22 ATTY. REILAND: We have. Thank you, Your Honor.

23 THE COURT: Okay. So Attorney Bloss will argue.
24 Whenever you're ready.

25 ATTY. BLOSS: Yes, Your Honor. And I think to
26 the latter point, we also have caused to be prepared
27 a paper transcript of both of the shows, the relevant

1 sections, what we believe are the relevant sections
2 of the shows. If you would like to have that marked
3 for the record?

4 THE COURT: Well, I don't have a Clerk. Is that
5 something that you can give me and then just have
6 your office e-file?

7 ATTY. BLOSS: Yes, of course.

8 THE COURT: Okay.

9 ATTY. BLOSS: Sure.

10 THE COURT: And have you given a copy to Defense
11 Counsel?

12 ATTY. BLOSS: I have extra copies, yes.

13 THE COURT: So this is just a transcript that
14 your office prepared?

15 ATTY. BLOSS: Well, no, a Court -- a Court
16 Reporter.

17 THE COURT: Court Reporter.

18 ATTY. BLOSS: Not our office.

19 THE COURT: Okay.

20 ATTY. BLOSS: And to be fair, Your Honor, I have
21 not compared this to the original. I will do that as
22 soon as I can. But we did -- this was able to be
23 done late yesterday.

24 THE COURT: All right. Just as long as you have
25 copies for each of the defendants and you give me a
26 bench copy and then you just have your office, if you
27 don't mind, e-file the copy since --

1 ATTY. BLOSS: May I approach?

2 THE COURT: You can pass by my imaginary Clerk
3 and hand it to me. Thank you.

4 ATTY. BLOSS: So Your Honor, I think it would be
5 helpful on this particular issue to start with a
6 timeline because there seems to be -- just I think we
7 need to be clear about what happened and what didn't
8 happen.

9 On May 21st of this year, the Jones defendants
10 did produce to our office a series of emails
11 electronically, approximately 58,000 in number. They
12 were in different groups. They were not catalogued
13 in any particular way, but they were produced in the
14 native form, if you will. I know that there were
15 some discussions about making sure that these were
16 not just in PDF but were actually in an electronic
17 form so they could be sorted and reviewed
18 expeditiously.

19 We retained, Your Honor, an electronic storage
20 information expert, a consulting company, to help us
21 catalogue and go through those materials. We did not
22 immediately review them ourselves. We had our
23 consultants starting to catalogue them and search
24 them. On June 4th, Your Honor, we were informed by
25 our consultants that there was a -- an image that the
26 consultants believed was child pornography attached
27 to one of the emails that the Jones defendants

1 produced. We obviously did not have custody of it at
2 that time; the consultants did. We did what we were
3 supposed to do under the law and we contacted the
4 FBI.

5 The FBI immediately took within a few days, by
6 June 7th, took control of all of the emails. We have
7 not had access to them since then. And the FBI said
8 that it would proceed accordingly. We did provide a
9 hard drive; the FBI took custody of a hard drive with
10 all the materials on June 7th.

11 On June 12th, we received word from the FBI that
12 -- that they were not going to -- that they had
13 determined, at least as to what we were being told,
14 that there were approximately 12 emails that had
15 images attached to them in one form or another, but
16 that they had been sent from the outside to the --
17 one or more of the Jones defendants or related
18 entities, and that as best the FBI could determine,
19 they had not been opened by any of the Jones
20 employees or defendants.

21 We then did what we were supposed to do and what
22 we were allowed to do and we notified Defense
23 Counsel, counsel for Mr. Jones, that -- what had
24 happened. And I think it's important to note, Your
25 Honor, that up until -- well, let me say one other
26 event. On June 12th, there was a joint conference
27 call between Defense Counsel, our office, and the

1 United States Attorney's Office just summarizing
2 really what I've just summarized for you.

3 I think it's important to note, Your Honor, that
4 our office did not make any public statement, private
5 statement, on-the-record, off-the-record statement to
6 anybody about the existence of these emails up until
7 the time -- up until ever, frankly, until we made
8 this filing yesterday. The --

9 THE COURT: Can you just give me one moment?
10 Thank you. Go ahead.

11 ATTY. BLOSS: On -- and we thought and still
12 firmly believe that we did what, first of all,
13 federal law requires us to do under the
14 circumstances, but second, what the rules of
15 professional conduct require us to do.

16 We then were -- we then learned, Your Honor, on
17 Friday, June 14th, that Mr. Jones and Mr. Pattis had
18 done a web show making certain allegations against
19 our office and against specifically one of the
20 attorneys in our office, Mr. Mattei. And Your Honor
21 has seen the video. I'm not going to argue the
22 substance of the video here today. There was then a
23 subsequent show on June 15th where there were other -
24 - there was other discussion, if you will, of the --
25 of the emails.

26 THE COURT: So the first show was the 14th?

27 ATTY. BLOSS: Correct.

1 THE COURT: And the second show was the 15th.

2 ATTY. BLOSS: Correct. And I've actually been
3 informed that Mr. Pattis was on the show again last
4 night or yesterday at some point. I haven't seen
5 that one yet and I don't know -- I don't have any --
6 I can't make any representations at all.

7 THE COURT: So the show that was the hyperlink
8 in the plaintiffs' motion was the June 14th one and
9 the show that was in the defendant's motion --
10 objection was the June 15th show.

11 ATTY. REILAND: That's correct. Yes.

12 THE COURT: Thank you.

13 ATTY. BLOSS: Yes, Your Honor. So I -- I -- and
14 I think, Your Honor, we wanted to bring this to the
15 Court's attention as quickly as possible because we
16 think that it is important for the Court to exercise
17 some control over the litigants in this case to make
18 sure -- or a litigant specifically, to make sure that
19 the threats stop. The conduct on June 14th was
20 deeply disturbing to us. We have -- I can inform the
21 Court that law enforcement is involved. We have
22 since received threats from the outside that we are
23 addressing appropriately. And the Court, in the
24 papers that we filed on Monday, I gave the Court some
25 authority where Courts have inherent power to
26 sanction parties who engage in obstructive conduct or
27 conduct that's threatening. And there's no way to

1 interpret what Mr. Jones said on Friday any way other
2 than a threat.

3 It is our intention, Your Honor, to file a
4 motion for sanctions. We will be seeking a sanction
5 up to and including default based on Mr. Jones's
6 conduct. We would propose to get that motion filed
7 within a very short period of time, and we'd ask for
8 a hearing on that motion as soon as possible.

9 THE COURT: Well, I am -- my clear
10 understanding, especially when Case Flow contacted
11 both sides, that this is the time that you're going
12 to make your argument and you're going to tell me why
13 sanctions should enter. And Defense will argue their
14 position and tell me why sanctions should not enter.

15 But I did do my own research as well, and I know
16 -- I'll rule on this today, but I know it's going to
17 be after lunch for sure, because by the time you're
18 done arguing, I have to give the Monitor her break.
19 But I -- the case that I turned up was a Connecticut
20 Appellate Court case that came out just a couple
21 months ago, *Maurice v Chester Housing Associates*.
22 And that dealt with bad faith litigation, misconduct
23 that took place out of court. It was actually an
24 email that was sent by a nonparty to the plaintiff's
25 attorney. And that case, the person who sent the
26 email was a -- not a named defendant, but a partner
27 in the defendant partnership. So -- and the Court

1 upheld the Trial Court's entering of sanctions in
2 that case. But that, I thought, was very
3 illuminating and similar, although the conduct that's
4 claimed there is not as egregious as the conduct
5 that's claimed here.

6 ATTY. BLOSS: Well, and the conduct, Your Honor,
7 speaks for itself. I don't need to argue what
8 happened. It's -- Mr. Jones chose to do this on
9 video and chose to broadcast it to however many
10 people listen to him.

11 I think one of the things that is particularly
12 disturbing, Your Honor, is that we've been here
13 before with Mr. Jones. If you'll recall, Mr. Jones
14 had to publically apologize after one of -- somebody
15 who said that he was inspired by his conduct went
16 into a pizza place and -- Planet Pizza in Washington,
17 DC, and fired shots to allegedly investigate a child
18 trafficking ring that Mr. Jones said, as I understand
19 it, was operating out of the basement. He knows
20 better. He should know better. And that now he says
21 this about both attorneys in our office and really
22 about the -- the -- the entire firm and our -- the
23 litigation process really requires the most stringent
24 sanction available to the Court, which is to enter a
25 default. I just don't think there's really any
26 alternative left.

27 Your Honor has been very patient in this case

1 with the discovery process. I understand this is
2 something very different. But what was done here was
3 wrong. And in the June 15th, I think it's
4 interesting that Defense Counsel says that there was
5 an apology in the June 15th show. There was not an
6 apology in the June 15th show. There was a statement
7 by Mr. Jones, I'm not saying that Mr. Mattei planted
8 this email. That's exactly what he said. And he
9 didn't say I'm wrong. Defense Counsel didn't say he
10 didn't do it. Defense Counsel said I don't think
11 Chris Mattei sent these emails. Well, no kidding.

12 The fact that -- that -- that first of all, a
13 party would accuse a lawyer of planting these emails
14 when he knew better, we disclosed it to the FBI. We
15 didn't disclose it to the press. We did everything
16 that was required to do, and the reaction from Mr.
17 Jones was to try to punish, to try to -- to try to
18 accuse of the -- one of our lawyers of the most
19 serious kind of misconduct.

20 THE COURT: So you -- your firm found out from
21 your consultants on June 4th.

22 ATTY. BLOSS: Correct.

23 THE COURT: All right. And I know we had a
24 status conference on June 5th here, and it was never
25 mentioned. So my first knowledge of it was the
26 filing as well.

27 ATTY. BLOSS: Well, we -- we didn't mention it,

1 Your Honor, because we thought it's evidence of a
2 federal crime. We thought and still believe that
3 bringing to the attention of the FBI was the right
4 thing to do and I don't think that anybody would
5 dispute that, honestly. Mr. Pattis says in his
6 filing yesterday, Your Honor, that the emails, quote,
7 inadvertently, closed quote, produced to us. Well,
8 we didn't make -- we made no -- we took no advantage
9 from that whatsoever. We did not -- we did not
10 release them, we didn't discuss it with you, we
11 didn't discuss it with anybody because that's what --
12 that's what we are supposed to do. We did this
13 right. And the reaction of the defendant to us doing
14 this right was to accuse one of our lawyers of not
15 only professional misconduct, but federal criminal
16 misconduct, and then to make threats against him.
17 It's enough, Your Honor. This has gone far enough.

18 THE COURT: All right. Anything further?

19 ATTY. BLOSS: No, Your Honor.

20 THE COURT: So Counsel, whenever you're ready.
21 I was hoping that you would address, because I read,
22 you know, the motion that you filed or that your
23 office filed, that referred to an apology. And when
24 I watched the broadcast several times, I wasn't able
25 to see an apology in there.

26 ATTY. REILAND: Your Honor, I thought there was
27 an apology at the beginning of that broadcast. And

1 at the very least, he said that -- Mr. Jones said
2 that he understood that Mr. Mattei did not do this.

3 THE COURT: That's --

4 ATTY. REILAND: Quite simply, when Mr. Jones
5 heard about --

6 THE COURT: Well, that might -- maybe be a
7 retraction.

8 ATTY. REILAND: A retraction.

9 THE COURT: Although --

10 ATTY. REILAND: Perhaps it was misstated in the
11 motion, Your Honor.

12 THE COURT: It doesn't sound like an apology.

13 ATTY. REILAND: It was certainly walked back,
14 Your Honor. And that was the -- the primary reason
15 of Attorney Pattis accompanying Mr. Jones on that
16 show the next day was to do that.

17 Quite simply, I think Mr. Jones was enraged when
18 he found out about this -- these images being sent to
19 him via email.

20 THE COURT: Well, your position is that he was
21 enraged. I mean, someone could view that and say
22 that he was portraying rage. You know, I would
23 classify it maybe as a rant or a tirade. But whether
24 he was genuinely enraged, as you suggest, or whether
25 he was just portraying that rage for his show, that's
26 --

27 ATTY. REILAND: Well, I can only --

1 THE COURT: -- that's --

2 ATTY. REILAND: -- speak to, you know, my
3 communications with Mr. Jones and with his --

4 THE COURT: Well, but then you need -- then you
5 would want to put on evidence in that regard, because
6 there's no evidence. The evidence before me are the
7 broadcasts that you submitted. So you have -- this
8 is uncharted territory, Counsel. You have -- and
9 despite my research, I couldn't find a case that came
10 close to a situation where a party who still hasn't
11 fully and fairly complied, but a party produced child
12 porn in their discovery documents. So that, I
13 couldn't find a case, never heard of it. But this is
14 really unprecedented, because now the party who
15 produced documents that contain child porn then go on
16 and broadcast their claims and accusations that the
17 child porn was planted there by the lawyers on the
18 other side. So you tell me, what should the Court do
19 here?

20 ATTY. REILAND: Your Honor, we're asking the
21 Court -- we understand that the plaintiffs are
22 seeking some serious sanctions right now. We are --
23 we're asking the Court for -- to deny any sanctions,
24 not impose sanctions at this time.

25 As I stated earlier, we do have -- I understand
26 the deadline has passed, it was yesterday, for the
27 metadata to be produced. I have received that. I

1 have it on USB stick, attempted to give it to.
2 Plaintiffs' Counsel. And I understand that they
3 didn't want to take it. It hasn't been catalogued;
4 there's no cover sheet with it. So that's in the
5 works.

6 Your Honor, I just think that, you know, Mr.
7 Jones did go on, attempted to walk back these
8 statements. I understand the toothpaste is out of
9 the tube at this point, so to speak. And --

10 THE COURT: Well, can I ask you, Counsel, I
11 tried to estimate the length of time that the -- on
12 the show that was in the motion how long the tirade
13 or rant or whatever you want to characterize it went
14 on where Attorney Mattei's picture was posted and,
15 you know, pounded on and discussed. It seemed to me
16 that, give or take, it was a solid 20 minutes of back
17 and forth on just the issue of the child porn and
18 being planted by either Attorney Mattei or --

19 ATTY. REILAND: I understand that.

20 THE COURT: -- somebody in his firm. So it
21 wasn't just a passing reference or one single
22 statement.

23 ATTY. REILAND: Not saying that it was, Your
24 Honor.

25 THE COURT: And I am going to suggest that
26 during the break that you take a look at that -- that
27 case. It's -- I wish I had this -- it's such a --

1 oh, here it is. 188 Conn. App. 21. In that case,
2 the Appellate Court upheld the sanctions of just
3 attorney's fees that the Trial Court had entered and
4 it centered upon an email where the general partner,
5 who was not a party to the litigation but was a
6 general party (sic) of the defendant, simply sent an
7 email to the plaintiff's lawyer that he wanted her to
8 sit on his -- I don't want to -- F'ing head. I mean,
9 it spells it out there. So that was the whole,
10 entire issue in that particular case, just that one
11 short six words or so. This would seem to be well
12 beyond that.

13 ATTY. REILAND: Understood. And if we could
14 have a brief recess, I could take a look at that, I'd
15 appreciate it, Your Honor.

16 THE COURT: Well, we can do that over the lunch
17 hour. So I didn't mean to cut you off. I want you
18 to have as much time as you want to make your
19 argument.

20 ATTY. REILAND: Your Honor, and I just want to
21 make clear, this was in our motion for stay as well
22 that obviously the turning over of these -- these
23 pictures was not intentional. We had at least a
24 month or two being in the case that we produced these
25 documents in PDF form to the plaintiffs, which they
26 have been gone through, culled for privilege, culled
27 for anything else, relevance. After that disclosure

1 was completed, the plaintiffs say that they wanted
2 the metadata for this. We had a very short time to
3 turn that over.

4 Our firm, quite simply, does not have the
5 resources, Mr. Jones does not have the resources to
6 farm this out to a sophisticated data firm like the
7 plaintiffs have done here.

8 THE COURT: Well, let me just interrupt you
9 there. When I did my job last night and watched the
10 videos over and over again, I watched and listened to
11 Mr. Jones talk about what was first going to be I
12 think \$100,000 reward and then it -- he upped it to a
13 million-dollar reward to --

14 ATTY. REILAND: Your Honor, I can't speak to
15 that. I think he has --

16 THE COURT: So I mean, it sound -- when you are
17 --

18 ATTY. REILAND: -- I think on that next
19 broadcast, he walked back that reward as well.

20 Quite simply, we did not intentionally turn over
21 these documents. We absolutely respect the
22 plaintiffs for doing what we did. We look forward to
23 the FBI's investigation and bring whoever sent these
24 emails to justice.

25 THE COURT: So do you -- is the Alex Jones
26 defendants' position that Mr. Jones never threatened
27 Attorney Mattei or that he walked back any threats?

1 ATTY. REILAND: Our position is, Your Honor,
2 that what he said did not rise to a threat.

3 THE COURT: Okay.

4 ATTY. REILAND: There was no imminent danger
5 there. He was --

6 THE COURT: All right. So let me ask you the
7 next question.

8 ATTY. REILAND: -- he was referring to -- and I
9 apologize, Your Honor.

10 THE COURT: That's all right.

11 ATTY. REILAND: He was, in the same breath,
12 referring to Mr. Mattei but also offering a reward to
13 find who did it. So quite frankly, we just don't
14 think it was a threat.

15 THE COURT: Okay. Do you take the position that
16 broadcasting for 20 minutes or so what he broadcast
17 with Attorney Mattei's picture and pounding the
18 picture and putting up the Wikipedia information and
19 so on and so forth and stating what he stated was
20 harassing, and then he walked it back the next day?
21 Or is it your position that it wasn't harassing?

22 ATTY. REILAND: Your Honor, I don't think it was
23 -- it was appropriate, but I don't know if it rises
24 to an action -- and actionable practice, excuse me.
25 So I don't think that it was harassment, threatening;
26 it was certainly inappropriate.

27 THE COURT: Well, what was it then, Counsel?

1 Characterize it for me if you can.

2 ATTY. REILAND: It was inappropriate conduct,
3 Your Honor, that was based off of his --

4 THE COURT: Inappropriate --

5 ATTY. REILAND: -- frustration of the situation,
6 his anger over being called a pedophile. And I think
7 most people would be very angry. Unfortunately, his
8 outlet to express that is going on the air and doing
9 that. It wasn't appropriate.

10 THE COURT: All right. So --

11 ATTY. REILAND: Unfortunately, Attorney Pattis
12 wasn't able to kind of control the situation at the
13 time. The next day, he attempted to clear the air by
14 walking it back, Your Honor.

15 THE COURT: So tell me when you say
16 inappropriate what you mean by inappropriate.

17 ATTY. REILAND: Means it should -- probably
18 should not have been done.

19 THE COURT: And what are you referring to,
20 though, when you say it shouldn't have been done?

21 ATTY. REILAND: Referring to Plaintiffs' Counsel
22 at all.

23 THE COURT: And you made a mention and I didn't
24 pick this up from the filings or from the broadcast,
25 and it may be my mistake, but you made a mention, I
26 believe, just now that Mr. Jones was upset or angry,
27 I can't remember what word you used, that he was

1 called a pedophile. I didn't see that anywhere.
2 Tell me where that is.

3 ATTY. REILAND: Well, certainly the impression
4 that he was to be portrayed as a pedophile, that
5 child -- or that somebody was attempting to frame him
6 for being a pedophile, because that's clearly what
7 this malware attack was. Somebody from the outside
8 sending him emails with the hopes that he would open
9 it and then he would be set up as viewing those
10 images and possibly be framed for a crime.

11 THE COURT: But there's nothing that I missed
12 that suggests that anyone involved in the case or not
13 involved in the case actually called him a pedophile.
14 I thought from the --

15 ATTY. REILAND: Certainly not. It was the
16 impression that he got from malicious parties sending
17 him these illegal images.

18 THE COURT: Okay. Anything further at this
19 time?

20 ATTY. REILAND: Nothing, Your Honor.

21 THE COURT: So I think the way to proceed on
22 this, if you don't mind, is we take the recess now.
23 I think Counsel should take a look at that case. And
24 then if he wants to have any further argument and
25 then I can hear from the plaintiffs as well as to
26 whether they want any further argument, and then I'll
27 be prepared to rule.

1 ATTY. BLOSS: That's fine. Can I just follow up
2 on a couple of quick things, Your Honor?

3 THE COURT: Is it something that you can do when
4 we come back when you have your opportunity to reply?

5 ATTY. BLOSS: Certainly, Your Honor.

6 THE COURT: Okay. So why don't we do that and
7 then we'll reconvene at 2:00?

8 **(THE COURT RECESSED AND RETURNED WITH THE**
9 **FOLLOWING)**

10 THE COURT: Attorney Pattis, you've joined us.

11 ATTY. PATTIS: I heard there was a party I
12 couldn't miss.

13 THE COURT: All right. So I think we left off,
14 I was going to give the Defense an opportunity if
15 they wanted to review the case I had mentioned and to
16 finish their argument, and then I would give Attorney
17 Bloss an opportunity.

18 ATTY. PATTIS: My understanding, Judge, I was on
19 trial upstairs, and I got a report at the lunch
20 break. And it suggested that the Court was going to
21 consider sanctions immediately today, that the Court
22 had denied our motion to stay, and encouraged us to
23 review a case, which we have. And so I understand
24 and accept your inherent authority over these
25 proceedings.

26 I'm asking you not to impose a sanction of any
27 sort at this point. I was present at the Infowars

1 taping and sitting next to Mr. Jones, and was,
2 frankly, flabbergasted by the level of anger that he
3 saw. And I understand you raised questions about
4 whether that was anger or an act. If it was an act,
5 it was convincing. And you have read the transcript,
6 I presume. You have seen the video. You've seen
7 that twice I was trying to counsel my client about
8 Aristotle and his admonition on anger, that a wise
9 man is angry the right way at the right time at the
10 right person and by the right means.

11 Mr. Jones is a conspiracy theorist. He believes
12 that there are people out to get him. And guess
13 what, there are. He's been de-platformed from
14 Facebook because of his speech, from PayPal because
15 of his speech, he has difficulty with credit card
16 purchase because of his speech, and he's been sued
17 because of his speech as to Sandy Hill (sic). And
18 we're in the shadow of Sandy Hill (sic) here, so he
19 knows he's not popular in Connecticut, but he's
20 entitled to speak.

21 Now the speech that's at issue here is
22 particularly ugly speech that was uttered on a public
23 airway on Friday night. I sat right there and he did
24 not threaten Chris Mattei. He mentioned Mattei by
25 name and it was uncomfortable and it was unpleasant
26 to behold, and I will concede that. But there was no
27 threat. I've litigated two threat cases all the way

1 up to the United States Supreme Court unsuccessfully
2 seeking certiorari as to the Ed Taupier conviction.
3 And as you -- which was sustained by our State
4 Supreme Court. As you are aware, true threats are
5 exceptions to the First Amendment, and there's some
6 split in the Circuits now about whether they are
7 discerned by means of a subjective or an objective
8 standard.

9 An objective standard requires that the person
10 perceiving the comment would perceive it as a threat.

11 That Mr. Mattei did, I will accept at face value if
12 that's what their pleadings say. But if you look at
13 the language and you look at some of the reporting
14 this morning, I -- I sincerely hope that Mr. Jones
15 brings an action against the *New York Times*. He
16 never threatened to put Mr. Mattei's head on a pike,
17 and to suggest otherwise is a grotesque misreading of
18 the transcript.

19 THE COURT: Would you agree or disagree that it
20 was harassment?

21 ATTY. PATTIS: I don't think it was harassment.

22 You can sue Alex Jones and accuse him of all sorts
23 of things, put your name on the pleadings, and have
24 those pleading -- hold press conferences, have
25 pleadings mysteriously appear on CNN the day after
26 they're filed, and Mr. Jones is supposed to do what,
27 oh, we like sheep have gone astray. If they want

1 blood-knuckle litigation, they got it. But they're -
2 -

3 THE COURT: How would you characterize it?

4 ATTY. PATTIS: As an ugly outburst and an angry
5 outburst.

6 THE COURT: How would you -- did you get a
7 chance to read the *Maurice v Chester Housing*
8 *Authority* (sic) case? How would you characterize
9 that short, I think, six- or seven-word email?

10 ATTY. PATTIS: Not even close. Not even close.

11 That email was sexually tinged to a person in a way
12 that was designed to intimidate her at the core of
13 her being, raising questions about her sexuality and
14 things that this man may or may not have liked to do
15 with her.

16 THE COURT: So you -- you find -- your position
17 is that that short email was intimidating; this --
18 whatever you want to call this, 20-minute tirade --

19 ATTY. PATTIS: I'll call it a tirade.

20 THE COURT: -- rant, whatever you -- that was
21 not intimidating?

22 ATTY. PATTIS: If it was, Mr. Mattei should be
23 in a new line of work. This is a business -- and I
24 said it on the broadcast. This is a business where
25 when you take on a person, you take on the person and
26 you take responsibility --

27 THE COURT: But why didn't --

1 ATTY. PATTIS: -- for the passions it involves.

2 THE COURT: Then why not plaintiff's counsel in
3 the Maurice case, wouldn't the same thing apply to
4 her? Why -- how -- she should be in a new line of
5 work, but instead --

6 ATTY. PATTIS: Well, Judge, in all due respect -
7 -

8 THE COURT: -- the intimidating behavior --

9 ATTY. PATTIS: In all due respect, if I ever say
10 to a woman you should sit on my face, and the Court
11 doesn't see the distinction between that and what was
12 uttered here, there's nothing I can do about the
13 argument. That is just grotesquely different.

14 In this case, Mr. Jones has been held up to the
15 nation as a figure of public ridicule and contempt.
16 Is -- does he have to sit silently by? Does he not
17 have an opportunity to respond in kind? Does he not?
18 And you know, the First --

19 THE COURT: Well, does that give him --

20 ATTY. PATTIS: -- Amendment says -- the First
21 Amendment has protected --

22 THE COURT: Attorney Pattis, does it give him --
23 does it give him the right to accuse the opposing
24 counsel of planting child pornography? Of asking --

25 ATTY. PATTIS: He did not do so.

26 THE COURT: -- for the metadata -- of asking for
27 the metadata so that he could -- so that the opposing

1 counsel could plant the child porn?

2 ATTY. PATTIS: He didn't say those words, and I
3 defy you to find that in there. That is a suspicion
4 that he has and I counseled him over and over again,
5 you don't know that, I don't know that, I don't
6 believe that about Attorney Mattei. I've litigated
7 cases against him for 20 years.

8 THE COURT: Well, we're not talking about what
9 you believe.

10 ATTY. PATTIS: No, no. But I was sitting right
11 there and I saw it. I had the benefit of being an
12 eyewitness, and I've read the transcript again over
13 lunch. Somebody put that -- that pornography into
14 Mr. Jones's email. It was not him. And we were told
15 that by -- in a conference call with the Justice
16 Department last week. Who? Who would have a motive
17 to do so? A naïve litigant always demonizes their
18 adversary. I tried to walk Jones back from that and
19 say, look, Mr. Mattei's job is to take you apart, as
20 it is my job to raise questions and take apart the
21 people who've sued you. That's what we do.

22 And people talk about restorative justice, we
23 have complex mediation programs because we know the
24 emotions get raw. And experienced litigators are
25 expected to roll with the punches, and sometimes
26 those punches are awkward and sometimes those punches
27 raise concerns. This was not a threat.

1 I have -- it's been intimated to me that there
2 may or may not be a criminal prosecution being
3 investigated as a result of that. My response to
4 that is bring it on. This does not satisfy the
5 *Brandenburg v Ohio* test. In order for an utterance
6 to be a true threat, it has to do more than be
7 chilling in its tone. It has to be an imminent
8 threat of immediate violence. And in the context as
9 a whole, how do you go from this video to Mr. Mattei
10 running to court seeking sanctions? What is he,
11 scared? I mean, he's a former federal prosecutor,
12 come on.

13 From Mr. Jones's perspective, this is more
14 theater. This is an opportunity -- from the day I've
15 gotten involved in this case, it's been code red, one
16 urgency after another by plaintiffs who waited until
17 the statute of limitations had expired as to most of
18 the claims, found a tenuous conspiracy theory to
19 reach back and keep it alive, and now trying
20 desperately to link some false utterance to a
21 commercial activity so they can run the same game on
22 the First Amendment that they ran on the firearms
23 case in *Bushmaster*. Well, bring the criminal case
24 on. Let's go.

25 It is not going to past First Amendment
26 scrutiny, and we think sanctions would be
27 inappropriate in this case.

1 I spoke to Mr. Jones at the lunch hour to alert
2 him to the fact that the Court seemed inclined to
3 grant sanctions of some sort, and he was
4 flabbergasted by that. I mean, whatever you may
5 personally think of Mr. Jones, he has a right to
6 speak. When we had the days of the Penny Press in
7 this country, people said far worse. They would --
8 they would encourage the tarring and feathering of
9 other people, and we didn't lock them up for being
10 passionate. Mr. Jones is a passionate speaker.

11 THE COURT: So he has the right of free speech,
12 but -- and I understand you don't agree that anything
13 that took place during that -- during the two
14 broadcasts was in any way harassment or threatening
15 or sought to intimidate, but you would agree that he
16 does not have the right based on Connecticut law and
17 I am sure law of other jurisdictions to threaten,
18 harass, or intimidate the counsel on the other side.

19 ATTY. PATTIS: I don't think there's any
20 question that he did not, and it is a precious --

21 THE COURT: I understand your position.

22 ATTY. PATTIS: -- reading of this transcript to
23 suggest otherwise. It is too precious.

24 THE COURT: But in general, does a party have a
25 right under the First Amendment to threaten, harass,
26 or intimidate the lawyer on the other side? That's
27 my question.

1 ATTY. PATTIS: As a matter of law, no. But what
2 the facts in this case mean are by no means clear.
3 How this Court can reach this -- and I mean, consider
4 some of the cases, just throwing them at random.
5 City of Claiborne Village, okay, a case where the
6 NAACP was boycotting white stores. And they said to
7 people outside, if any of you -- and excuse my
8 language -- if any of you cross this picket line, I'm
9 going to break your goddam neck. Somebody was
10 injured. The speaker who was an NAAC (sic) organizer
11 was tried and convicted. That conviction was
12 overturned. Violent speech, our Court has held,
13 tumultuous speech is protected unless it is
14 associated with an imminent act of violence.

15 Another example --

16 THE COURT: But just -- but talk about the
17 integrity of the process here and the functioning of
18 the Court and the judicial process and the Court's
19 obligation. Focus on that as opposed to criminal
20 law.

21 ATTY. PATTIS: Well, you had asked about crimes
22 and so I defended. Now I'll shift to the next turf
23 that you give me an opportunity to -- you know, I
24 mean, I will understand the case, and I forget the
25 name. What was the name of the case you had us read
26 at lunch?

27 THE COURT: *Maurice v Chester Housing Authority*

1 (sic). Just came out a couple months ago. That's --

2 ATTY. PATTIS: The Housing Authority case.

3 That's all I'll remember. You know, it presents this
4 Court with an opportunity, a door through which it
5 could walk here. It's an Appellate Court decision
6 and I don't know what its status is on certiorari.
7 That was an unusual case because it was nonparty
8 participant. But I would argue that in that case, he
9 engaged in speech that was -- was a potential civil
10 rights violation. I mean, he basically sexually
11 harassed the litigant, wanted her to sit on his face,
12 or words to that effect. That -- that is different.

13 It is different to take to a quintessential
14 public forum and cry foul. And from Mr. Jones's
15 perspective, look, this is -- this is how he looks at
16 the world. They pressed, they pressed, they pressed
17 for metadata. They get it, and lo and behold, they
18 just happen to find a needle in a haystack, or as he
19 put it in his broadcast, a needle in a haystack in a
20 field of haystacks. How convenient was that?

21 Now, from my perspective, it wasn't that at all.

22 The other side probably had the resources to hire a
23 sophisticated data mining firm and it was found.

24 THE COURT: So I understand you take the
25 position that nowhere in the transcript does Mr.
26 Jones claim that Plaintiffs' Counsel asked for the
27 metadata so that they could plant the child porn.

1 But assuming that that statement was somewhere in
2 there, would that be sanctionable behavior on these -
3 - in this matter for a --

4 ATTY. PATTIS: I think it might be a defamatory
5 comment, you know, suggesting that they engaged in
6 odious conduct. But for the life of me, I don't see
7 how that affects the administration of justice.
8 Don't be played for a fool here, Judge. From the day
9 I've gotten involved in this case, the Sandy Hook
10 plaintiffs have done nothing but try to leverage a
11 discovery problem into a default of one sort or
12 another so that this Court or any Court can avoid
13 addressing this case on the merits. That's because
14 on the merits they'd fail. *Snyder v Phelps* talks
15 about intentional emotional distress, not
16 sustainable.

17 The only claim they have and the reason they
18 pressed so hard on this ridiculous marketing data
19 theory of theirs is they want to associate knowingly
20 false comments with the sale of commercial products.

21 That's what this case has come down to. Last night
22 at 7:35, I sent an email over with a complicated
23 group of Google Analytics, unknowing whether you had
24 yet ruled on our motion for clarification.

25 We are anxious to litigate the merits of this
26 case. But the Court shouldn't be used in the crisis-
27 of-the-week club by the plaintiffs in an effort to

1 avoid deciding issues that are at the core of this
2 republic. Mr. Jones is an easy scapegoat, especially
3 in Connecticut where we all know people who suffered
4 tragically as a result of Sandy Hook. But if it's
5 Mr. Jones today, who is it going to be tomorrow? And
6 what sort of speech are we going to prohibit because
7 it makes us uncomfortable and we don't like it?

8 If Mr. Mattei truly believes that he can
9 persuade a law enforcement official that to truly and
10 with integrity think that there's a sustainable cause
11 of action in a Criminal Court, let's have it. My
12 client is prepared to address those allegations in
13 any court any time. And before you answer sanctions,
14 Judge, maybe you ought to have him come up here, sit
15 on that witness stand, and tell you what was in his
16 mind. This is an extreme remedy and an extreme
17 proposal which from my mind is shocking and goes to
18 the core of what makes this republic sustainable, the
19 right to speak freely, to criticize the government,
20 to criticize your critics, and to swing back when
21 you're swung at.

22 You know, the Koskoff firm is brilliant on
23 hiding behind litigation privilege. It's no mystery
24 to me that on a Tuesday night a pleading gets filed
25 and on Wednesday morning, it's CNN. And we can do
26 nothing to strike back. Jones takes to an equal --
27 an equal counterweight, his own network, and speaks

1 back. And the consequence is going to be what? You
2 can't fully and fairly litigate a First Amendment
3 claim? Don't go there, Judge. I would be ashamed to
4 call myself a Connecticut resident if that's what
5 happened in this court.

6 THE COURT: Just give me one moment, please.

7 ATTY. PATTIS: I do have an expensive witness on
8 the stand with the clock running upstairs, Judge.

9 THE COURT: I'm sorry. Do you --

10 ATTY. PATTIS: No. I mean, I'm here.

11 THE COURT: Okay.

12 So actually, I'm just looking on the transcript
13 on page 30.

14 ATTY. PATTIS: I'm there.

15 THE COURT: And Alex Jones says: why do they
16 want the metadata? I said they want to plant
17 something on me. I told you that three weeks ago.

18 ATTY. PATTIS: They is an ambiguous term. And
19 I'm not trying to be too cute for words. Somebody --
20 Mr. Jones believes that somebody is financing this
21 litigation. It wasn't brought until after the
22 statute expired as to most things because it was
23 brought after Hillary Clinton lost the 2016 election.

24 His -- his Infowars helped him mobilize a lot of
25 anti-Hillary voters with rhetoric that you and I
26 might find objectionable, but that was their right to
27 do so.

1 He believes that this litigation is financed by
2 third parties, and we actually proposed a discovery
3 request in our despair a pleading or two ago asking
4 for permission to ask that question. Who paid for
5 the \$100,000 data search that just happened to find
6 this? These are questions we'll get answers to
7 someday, maybe not here today. But I don't see how
8 you go from there to threatening Mr. Mattei. I just
9 don't.

10 THE COURT: Well, I'm just -- it's hard to get
11 past the various comments by Mr. Jones about how
12 coincidental -- there was some sarcasm there, of
13 course -- that they asked for the metadata and they
14 asked for this information and they just happened to
15 find it.

16 ATTY. PATTIS: Put yourself in Mr. Jones'
17 position. You pay hundreds of thousands of dollars -
18 - not to me, unfortunately -- but you pay hundreds of
19 thousands of dollars to lawyers. You're looking
20 through 9.6 emails -- million emails. You fight
21 about it in court for months. You turn over 60,000.

22 Weeks pass, the other side asks for metadata. You
23 give them the metadata, metadata you don't even know
24 how to read and you can't afford to pay somebody to
25 read. And within days of that, oh, we just happened
26 to find a piece of child porn. Maybe there aren't
27 any coincidences in the world. I don't think there

1 is any evidence to suggest that Koskoff, Koskoff &
2 Bieder did it. I've known these lawyers forever.
3 They used to be friends.

4 THE COURT: Again, it's not the issue.

5 ATTY. PATTIS: No, I understand that. But I've
6 known these lawyers forever --

7 THE COURT: I don't think anybody --

8 ATTY. PATTIS: -- and they used to be friends
9 prior to this case. I don't know what's become of
10 that. But the fact of the matter is, Jones is
11 entitled to his suspicions. He did not disrupt the
12 administration of justice. And if you've got a
13 former federal prosecutor in here who's saying as a
14 result of this he can't do his job, then maybe you
15 should get him off the case because he's not prepared
16 to serve his clients. Rough cases yield rough
17 emotions. Mr. Mattei can take it. He ran for
18 statewide office. In fact, he's no private person;
19 he's a public person. Even last night, Senator
20 Murphy who rode Sandy Hook into the Senate, put an
21 Alex Jones child porn bumper sticker on the car for
22 his next campaign. This nonsense has to stop. And
23 my client's entitled to push back.

24 THE COURT: Thank you.

25 ATTY. BLOSS: Well, Your Honor --

26 ATTY. PATTIS: Judge, may I be excused to attend
27 to my other matter? Mr. --

1 THE COURT: You may. But I am, just so you
2 know, I'm going to hear from Attorney Bloss, probably
3 take a five-minute recess, and then we'll --

4 ATTY. PATTIS: I understand. I just have a
5 witness that I have to attend to.

6 THE COURT: Okay. Thank you.

7 ATTY. BLOSS: I think the heart of the decision,
8 Your Honor, would be if there was even a grain of
9 sand worth of contrition in that statement. There
10 wasn't. There was blame-shifting. There was a
11 denial of what his client did while he was sitting
12 there at a table. He was saying, effectively, it's
13 our fault.

14 And I want to just go back to basic principles.

15 And this is a fact. The only reason this came out,
16 only reason, is because Mr. Jones --

17 THE COURT: Can I just excuse -- all right. I
18 just want to make sure I -- I wanted to make sure co-
19 counsel was there, and I just didn't see him.

20 ATTY. BLOSS: I'm sorry. Yes. Thank you.

21 THE COURT: Sorry about that.

22 ATTY. BLOSS: I want to be crystal clear about
23 this. Counsel said that Mr. Jones had a right to
24 respond to being called a pedophile. This wasn't
25 going to come out except he chose for it to come out.

26 June 12th, we told them we didn't do anything with
27 it, we weren't going to do anything with it. It's

1 not relevant to this case. However it wound up there
2 is irrelevant. He chose on June 14th with his lawyer
3 sitting there to make this an issue. He chose to
4 bring this --

5 THE COURT: Can I just ask the Defense? Is
6 there any -- there's nothing that I've heard or read
7 that suggests that the plaintiffs disclosed this
8 either in the lawsuit or to the press or --

9 ATTY. REILAND: Not to my knowledge, Your Honor.
10 But just to echo Attorney Pattis's sentiment, it
11 seems like the pleadings in this case have a --
12 constantly get leaked out to the press. They're on
13 the news the next day. So there's --

14 THE COURT: Is there any pleading --

15 ATTY. REILAND: -- no reason to think that that
16 wasn't going to happen with this --

17 THE COURT: Show me the -- I just want to see
18 how this information came out to the public since
19 there was a claim that I believe you said he was
20 upset because he was called a pedophile. Is there a
21 pleading that the plaintiff filed?

22 ATTY. REILAND: Excuse me, Your Honor. I
23 apologize. I think I said that he was rightfully
24 upset because somebody was attempting to frame him
25 for being a pedophile. He didn't blame the attorney
26 -- the plaintiffs' attorneys here.

27 THE COURT: Okay. I thought you said that he

1 called him a pedophile. But there's no -- the
2 plaintiffs here didn't file any pleadings or go to
3 the press or do anything until after --

4 ATTY. REILAND: Not to my knowledge, Your Honor.

5 THE COURT: -- Alex Jones -- all right.

6 ATTY. REILAND: Not to my knowledge.

7 THE COURT: I just want to make sure we're on
8 the same page. Go ahead.

9 ATTY. BLOSS: Let's take out the not to my
10 knowledge. It didn't happen. The first disclosure
11 of these emails was by Alex Jones with Mr. Pattis
12 sitting next to him at a table in Austin, Texas, on
13 their public show. Period. That's how this all came
14 out. He's created this controversy. He didn't
15 respond to something that we did. He chose to make
16 this public. He chose to bring this out. And he's
17 going to -- he's got the consequences of whether that
18 was a good choice or not.

19 He's got the right to free speech, but he's also
20 got a responsibility that if -- if his -- if his
21 speech crosses the line, then he's got -- there are
22 consequences for that. That's why we're here.

23 There is, Your Honor, a -- there are lots of
24 important principles that govern the United States in
25 the operation of a reasoned society. And one of them
26 is open courts where people can have a controversy
27 heard fairly. This isn't something -- we -- we

1 haven't threatened anybody. We haven't said that
2 we're going to put somebody's head on a spike.

3 And let me just address one thing that Mr.
4 Pattis said that there is a suspicion that this is
5 being financed by somebody else. Irrelevant if it
6 was; it's not. This is -- we are not getting a
7 dollar from anybody anywhere. So that -- and that --
8 I'm sure that's not going to convince Mr. Jones
9 because I guess he can believe what he wants to
10 believe. But this is a -- this is a matter that
11 we've decided to take on because we think it's the
12 reasonable, right thing to do for these people that
13 lost so much and continue to lose much.

14 So I want to -- I want to just follow up a
15 little bit on the concept that Mr. Jones is the one
16 who brought this out. If you listen to the tape, he
17 says we're going to expose a major criminal issue.
18 This was planned, Your Honor. This was a deliberate
19 choice by Mr. Jones to bring this out.

20 We just heard that there was a -- that we have
21 this \$100,000 allegedly that we must have paid to
22 have electronic -- the electronically-stored
23 information reviewed. Well, let's look at page 5 of
24 the transcript, Your Honor, from June 14th where Mr.
25 Jones says: I'm not an IT person. I've had to spend
26 time I didn't have trying to figure out what the hell
27 is going on and brought it -- brought in outside

1 consultants and spent hundreds of thousands of
2 dollars. I won't even tell you the number, a half a
3 million dollars, trying to figure out -- to answer
4 the discovery.

5 So this claim that he doesn't have any resources
6 and that these emails were inadvertently produced to
7 us because he doesn't have the ability to do the
8 right thing and follow the rules, nonsense. He said
9 on his show he spent a half a million dollars on IT.

10 So let's talk, Your Honor, about exactly what
11 Mr. Jones said. And because I -- I think that you
12 really didn't get an answer to this from Mr. Pattis,
13 so let's spend a couple of minutes, if you can,
14 talking about what he said. Let's go to page 17 of
15 the July 14th transcript.

16 I know what they do when you expose them. They
17 say you're a pedophile. We knew it was coming. And
18 when the Obama-appointed US attorney demanded out of
19 9.6 million emails in the last seven years since
20 Sandy Hook metadata, which meant tracking the emails
21 and where they went, well, we fought it in court.
22 The Judge ordered for us to release a large number of
23 those emails. That's Chris Mattei that got that
24 done. A very interesting individual with the firm of
25 Koskoff and Koskoff, run by Senator Murphy and
26 Senator Blumenthal, that say for America to survive,
27 quote, I must be taken off the air.

1 Little later on, page 18: so we learned in just
2 the last few days that when they wanted these
3 hundreds of thousands of emails out of the 9.6
4 million that they had attachments to them that no one
5 would know what they were.

6 Well, actually, that's not true that no one
7 would know what they were. Any responsible ESI data
8 firm would know exactly what they were. That's what
9 we did.

10 But that's interesting. This is going back to
11 the transcript. We checked with real IT people
12 because we're not IT folks. We made some calls and
13 they said, no, you wouldn't know what was in the
14 attachments and you wouldn't know what they linked to
15 because the FBI looked and they said we're the
16 victim. It was hidden in Sandy Hook emails
17 threatening us, there was child porn. So it's on
18 record. We were sent child porn. We're not involved
19 in child porn. But the fact is it's not a needle in
20 a haystack; it's fields of haystacks. And they get
21 these emails -- they being our firm -- get these
22 emails a few weeks ago and they go right to the FBI
23 and say we've got him with child porn. FBI says we
24 never opened it. He didn't send it. And then they
25 act like, oh, they're our friends, they're not going
26 to do anything with this. Well, that's exactly what
27 was going to happen.

1 THE COURT: All right.

2 ATTY. BLOSS: So the -- let's talk about the
3 head on a pike line that Mr. Pattis mentioned.

4 Page 21: you're trying to set me up with child
5 porn. I'm going to get your ass. One million
6 dollars, one million dollars, you little gang
7 members. One million dollars to put your head on a
8 pike. One million dollars, bitch. I'm going to come
9 back to that in a minute.

10 THE COURT: Well, I would prefer that you not
11 read from the transcript. I've been through it --

12 ATTY. BLOSS: All right.

13 THE COURT: -- more than enough. So if you
14 could just sort of summarize your arguments?

15 ATTY. BLOSS: Well, the only other one I would
16 just mention, Your Honor, is if I can, at page 25.
17 They literally went in there and found this hidden
18 stuff. In other words, expressly saying that we got
19 these 58,000 emails and knew where to go because this
20 is something that we must have been involved in,
21 that's just false. It's wrong. And to make that
22 accusation, it's not an email or a voicemail that is
23 -- that is -- that is left on some lawyer's
24 cellphone. What happened here, he's got hundreds of
25 affiliates. This went out to hundreds of stations,
26 went out to anybody who can click on his website.

27 And the fact is that this is something that he

1 knows causes problems. It caused a problem with the
2 pizza case, somebody got arrested for going to that
3 facility. One of the people -- one of the parents in
4 Sandy Hook was threatened by one of his listeners and
5 -- and was arrested. So this is -- this is not a
6 surprise.

7 Right now, Your Honor, there is a uniformed
8 Bridgeport Police Officer standing in our lobby.
9 He's going to be there indefinitely. That's what we
10 feel that we need to do based on what has happened in
11 this case up to this point.

12 Just a -- I'm going to touch a couple of other
13 quick things. The -- Your Honor knows and you've
14 seen what the standard is under the law. And one of
15 the interests that is at issue here is the right to
16 have a case fairly adjudicated without harassment,
17 without threats. I think there was ultimately a
18 concession that -- that the Court has power to
19 sanction in the event of harassing or intimidating
20 behavior. I just don't see how any reasonable
21 reading of this -- these two transcripts can lead the
22 Court to any other conclusion that this was
23 harassment. It was a deliberate attempt to
24 intimidate. And it was not something that's
25 protected -- by the way, the standard is not the
26 criminal First Amendment standard. This is a civil -
27 - this is the power of the Court to control its own

1 litigation, the parties before it, and the processes
2 before it. This exceeds any kind of sanctionable
3 conduct that the Connecticut Courts have ever
4 considered. And really exceeds sanctionable conduct
5 in some of the federal cases that we've cited to Your
6 Honor.

7 So I think unless Your Honor has any questions,
8 I'll --

9 THE COURT: Thank you, Attorney Bloss. Did you
10 want to respond briefly, Counsel, or are you all set?

11 ATTY. REILAND: Your Honor, we'll -- we'll stand
12 on Attorney Pattis's argument. I would just say, I
13 guess reasonable minds could disagree, because of all
14 the sanctions and all the, hate to say, grandstanding
15 that we're seeing here reading from the transcript,
16 I'm not seeing any threats to Attorney Mattei here.
17 You know, it's -- it's not great language. It's bad
18 language in some points. But it's not an apparent
19 threat. So thank you, Judge.

20 THE COURT: So I'll take a two-minute recess.

21 **(THE COURT RECESSED AND RETURNED WITH THE**
22 **FOLLOWING)**

23 THE COURT: All right. So I'm going to start
24 with the discovery issues.

25 Putting aside the fact that the documents the
26 Jones defendants did produce contained child
27 pornography, putting aside the fact that the Jones

1 defendants filed with the Court a purported affidavit
2 from Alex Jones that was not in fact signed by Alex
3 Jones, the discovery in this case has been marked
4 with obfuscation and delay on the part of the
5 defendants, who, despite several Court-ordered
6 deadlines as recently as yesterday, they continue in
7 their filings to object to having to, what they call
8 affirmatively gather and produce documents which
9 might help the plaintiffs make their case. Despite
10 over approximately a dozen discovery status
11 conferences and several Court-ordered discovery
12 deadlines, the Jones defendants have still not fully
13 and fairly complied with their discovery obligations.

14 By way of one example, on June 10th, counsel for
15 the Jones defendants stated in their filing that Alex
16 Jones' cellphone had only been searched for emails,
17 not for text messages or other data. In their June
18 17 filing, defendants still try to argue with respect
19 to the text messages that there is little to no
20 personal nexus between the text messages and the
21 litigation, and that the plaintiffs are simply prying
22 into the Alex Jones defendants' personal affairs.
23 But the discovery objections were ruled on by the
24 Court months ago and the defendants still have not
25 fully and fairly complied.

26 Also, as another example, the Google Analytics
27 data was ordered to be produced. And this is a

1 Google Analytics account that had to be created and
2 set up by and utilized, according to the testimony,
3 by some of the Jones defendants. Only a 35-page
4 report was produced. In their June 17 filing, the
5 Jones defendants apparently say that they don't
6 possess the data themselves and they should not have
7 to get it from Google because Google holds Alex Jones
8 in contempt. And anything that Google generated
9 would be, and I quote, inherently unreliable,
10 unquote. And again, the Jones defendants miss the
11 mark. They were ordered to produce that data.

12 Our rules of practice require a party to produce
13 materials and information, quote, within their
14 knowledge, possession, or power; and it is clearly
15 within the power of the Jones defendants to obtain
16 the information from Google if, as they claim, they
17 don't possess it themselves. So their objection is
18 too late and their failure to fully and fairly comply
19 is inexcusable.

20 So in short, we've held approximately a dozen
21 discovery status conferences. The Court's entered
22 discovery deadlines, extended discovery deadlines,
23 and discovery deadlines have been disregarded by the
24 Jones defendants, who continue to object to their
25 discovery and failed to produce that which is within
26 their knowledge, possession, or power to obtain. And
27 again, among the documents that they did produce

1 contained images of child pornography.

2 I also note that the Jones defendants have been
3 on notice from this Court both on the record and in
4 writing in written orders that the Court would
5 consider denying them their opportunity to pursue a
6 special motion to dismiss if the continued
7 noncompliance continued.

8 Now with respect to the plaintiffs' request for
9 immediate review and the Jones defendants' objections
10 thereto, as I've said, I've reviewed the -- both
11 broadcasts several times. The law is clear in
12 Connecticut and elsewhere, for that matter, that the
13 Court has authority to address out-of-court bad-faith
14 litigation misconduct where there is a claim that a
15 party harassed or threatened or sought to intimidate
16 counsel on the other side. And indeed, the Court has
17 the obligation to ensure the integrity of the
18 judicial process and functioning of the Court.

19 So if Mr. Jones truly believed that Attorney
20 Mattei or anyone else in the Koskoff firm planted
21 child pornography trying to frame him, the proper
22 course of action would be to contact the authorities
23 and/or to have your attorney file the appropriate
24 motions in the existing case. Just by way as an
25 example, the Jones defendants here could have filed a
26 motion asking that the lawsuits be dismissed for that
27 reason.

1 What is not appropriate, what is indefensible,
2 unconscionable, despicable, and possibly criminal
3 behavior is to accuse opposing counsel, through a
4 broadcast, no less, of planting child pornography,
5 which is a serious felony. And to continue with the
6 accusations in a tirade or rant for approximately 20
7 minutes or so.

8 Now, because I want to make a good record for
9 appeal, I'm going to refer to certain portions of the
10 transcript of the website. And I would note that Mr.
11 Jones refers to Attorney Mattei as a Democratic-
12 appointed US attorney, holds up on the camera
13 Attorney Mattei's Wikipedia page which indicates that
14 he is a Democrat, and puts the camera on the website
15 page, which looks like it's from the law firm.

16 Alex Jones states: what a nice group of
17 Democrats. How surprising, what nice people. Chris
18 Mattei, Chris Mattei. Let's zoom in on Chris Mattei.

19 Oh, nice, little Chris Mattei. What a good
20 American. What a good boy. You'll think you'll put
21 me on.

22 Now, the transcript doesn't reflect this, but
23 when I listened to the broadcast, I heard, I'm going
24 to kill. Now, that's not in the transcript, but that
25 is my read and understanding and what I heard in the
26 broadcast.

27 He continues to say: anyways, I'm done. Total

1 war. You want it, you got it. I'm not into kids
2 like your Democratic Party, you cocksuckers, so get
3 ready.

4 And during this particular tirade, he slammed
5 his hand on Attorney Mattei's picture, which was on
6 the camera at that point.

7 He continues on shortly thereafter: the point
8 is, I'm not putting up with these guys anymore, man,
9 and their behavior because I'm not an idiot. They
10 literally went right in there and found this hidden
11 stuff. Oh, my god, oh, my god, and they're my
12 friends. We want to protect you now, Alex. Oh,
13 you're not going to get into trouble for what we
14 found. F you, man, F you to hell. I pray God, not
15 anybody else, God visit vengeance upon you in the
16 name of Jesus Christ and all the saints. I pray for
17 divine intervention against the powers of Satan.

18 I literally would never have sex with children.

19 I don't like having sex with children. I would
20 never have sex with children. I am not a Democrat.
21 I am not a Liberal. I do not cut children's genitals
22 off like the left does.

23 Further on, referring to the person who sent the
24 child porn, he says: I wonder who the person of
25 interest is. Continues to say: oh, no. Attorney
26 Pattis says: look, are you showing Chris Mattei's
27 photograph on here; and the record should reflect

1 that when Alex Jones said I wonder who the person of
2 interest is, Attorney Mattei's photo was on the
3 camera. Again, referring to who planted the child
4 pornography. Then Alex Jones says: oh, no, that was
5 an accidental cut. He's a nice Obama boy. He's a
6 good -- then Attorney Pattis cuts him off. Attorney
7 -- Alex Jones goes on to say: he's a white Jew-boy
8 that thinks he owns America.

9 Later on in the broadcast, Alex Jones says,
10 quote, the bounty is out, bitches. And you know your
11 feds, they're going to know you did it. They're
12 going to get your ass you little dirt bag. One
13 million, bitch, it's out on your ass.

14 Shortly thereafter, he says: a million dollars
15 is after them. So I bet you'll sleep real good
16 tonight, little jerk, because your own buddies are
17 going to turn you in and you're going to go to
18 prison, you little white Jew-boy jerk-off son of a
19 bitch. I mean, I can't handle them. They want more,
20 they're going to get more. I am sick of these
21 people, a bunch of chicken-craps that have taken this
22 country over that want to attack real Americans.

23 And those are just portions of the transcript
24 that the Court relied on. The Court has no doubt
25 that Alex Jones was accusing Plaintiffs' Counsel of
26 planting the child pornography.

27 Again, these are just a few examples where Jones

1 either directly harasses or intimidates Attorney
2 Mattei, repeatedly accuses Plaintiffs' Counsel of
3 requesting the metadata so they could plant the child
4 pornography, continues to call him a bitch, a sweet
5 little cupcake, a sack of filth, tells him to go to
6 hell, and the rant or tirade continues with frequent
7 declarations of war against Plaintiffs' Counsel.

8 I reject the Jones defendants' claim that Alex
9 Jones was enraged. I disagree with Attorney Pattis's
10 representation here. I find based upon a review of
11 the broadcast clips that it was an intentional,
12 calculated act of rage for his viewing audience. So
13 -- and I note as Plaintiffs' Counsel pointed out,
14 that Alex Jones was the one who publically brought
15 the existence of the child pornography to light on
16 his Infowars show.

17 But putting that aside, putting aside whether it
18 was -- he was in a real rage or whether he was acting
19 out rage, it doesn't really matter for the purposes
20 of the discussion whether he was truly enraged or
21 not, because the 20-minute deliberate tirade and
22 harassment and intimidation against Attorney Mattei
23 and his firm is unacceptable and sanctionable. And
24 the Court will sanction here.

25 So for all these reasons, the Court is denying
26 the Alex Jones defendants the opportunity to pursue
27 their special motions to dismiss and will award

1 attorney's fees upon further hearing and the filing
2 of affidavits regarding attorney's fees. I would
3 note that the attorney's fees will be related only to
4 the conduct relating to the child pornography issue
5 and not for the discovery failures.

6 At this point, I decline to default the Alex
7 Jones defendants, but I will -- I don't know how
8 clearly I can say this. As this case progresses, and
9 we will get today before you leave a trial date in
10 the case now and a scheduling order. As the
11 discovery in this case progresses, if there is
12 continued obfuscation and delay and tactics like I've
13 seen up to this point, I will not hesitate after a
14 hearing and an opportunity to be heard to default the
15 Alex Jones defendants if they from this point forward
16 continue with their behavior with respect to
17 discovery.

18 So I'm going to call other matters now. I'm
19 going to ask that you -- that there not be any
20 conversations in the courtroom because I do have
21 other matters to call. I'm going to ask Counsel to
22 work on a scheduling order, pick a trial date. I am
23 going to need to see it before you leave. So if you
24 could maybe do that in another room, and then I'll
25 come back on the record for that.

26 (THE COURT PROCEEDED WITH OTHER MATTERS AND
27 RETURNED WITH THE FOLLOWING)

1 THE COURT: Were you able to complete a
2 scheduling order and pick a trial date?

3 ATTY. MATTEI: Yes, Your Honor, we have. The
4 completed scheduling order here is signed by Counsel
5 --

6 THE COURT: Can I take a --

7 ATTY. MATTEI: -- with a proposed trial date of
8 November, 2020.

9 THE COURT: Okay. Can I take a look at it? Do
10 you mind?

11 ATTY. MATTEI: Yes.

12 THE COURT: Thank you very much. What about
13 summary judgment motions?

14 ATTY. MATTEI: Your Honor, you'll note that we
15 left that blank because certain defendants in the
16 case still have their Anti-SLAPP motion pending. And
17 so we thought it best to leave that date open at
18 least for now. Attorney Brown and Attorney Jakiela
19 obviously both want to reserve their right, if
20 necessary, to file a motion for summary judgment.
21 But because they still have motions to dismiss
22 pending, the timing of that was uncertain.

23 THE COURT: All right. And the Court Officer in
24 Waterbury is on vacation this week anyway. So I'm
25 not -- unlike Bridgeport where we can put 20 cases
26 down for trial in the same day, I'm not sure that
27 they'll be able to accommodate this exact trial date.

1 So I'll give this over to him. At some point, we're
2 going to need summary judgment deadlines, though,
3 because what I can't have is the summary judgments
4 argued, you know, two weeks before the trial date. I
5 definitely want the 120 days.

6 ATTY. MATTEI: Correct, Your Honor.

7 THE COURT: Okay. Anything else today?

8 ATTY. MATTEI: No. Thank you very much, Your
9 Honor.

10 ATTY. REILAND: No, Your Honor.

11 THE COURT: Thank you, Counsel.

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13 *****


14 **(END OF TRANSCRIPT)**
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NO: UWY-CV18-6046437 S	:	SUPERIOR COURT
SHERLACH, WILLIAM	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX, ET AL.	:	JUNE 18, 2019
.....		
NO: UWY-CV18-6046438 S	:	SUPERIOR COURT
LAFFERTY, ERICA, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 18, 2019
.....		
NO: UWY-CV18-6046436 S	:	SUPERIOR COURT
SHERLACH, WILLIAM, ET AL.	:	JUDICIAL DISTRICT
	:	OF FAIRFIELD
V.	:	AT BRIDGEPORT, CONNECTICUT
JONES, ALEX EMRIC, ET AL.	:	JUNE 18, 2019

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Fairfield, at Bridgeport, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 18th day of June, 2019.

Dated this 19th day of June, 2019, in Bridgeport, Connecticut.


 Colleen Birney
 Court Recording Monitor